

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, SEPTEMBER 1, 2009 AT 10:00 A.M.

Board Members Present: *William C. Chase, Jr., Chairman*
Larry W. Aylor, Vice Chairman
Sue D. Hansohn
Steven E. Nixon
Tom S. Underwood
Steven L. Walker

Board Members Absent: Brad C. Rosenberger

Staff Present: Frank T. Bossio, County Administrator
Roy B. Thorpe, Jr., County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Environmental Services Director
Donna Foster, Deputy Clerk

CALL TO ORDER

Mr. Chase called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Nixon led the members of the Board and the audience in the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA

Mr. Chase stated that Mr. Rosenberger had an excused absence and called for additions or deletions to the agenda. Mr. Bossio noted the addition of Item 5.02 Discussion of proposed purchase of 8077 Connor Drive, Village of Griffinsburg, by CSB.

Mr. Underwood moved, Mr. Aylor seconded, for approval of the agenda as amended.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None

Absent – Rosenberger

Motion carried 6 to 0

APPROVAL OF MINUTES

Mr. Chase presented the following minutes for approval: July 7, 2009 10:00 a.m. and 7:00 p.m. regular meetings and July 29, 2009 6:00 p.m. Special Joint County and Town Meeting.

Mr. Underwood moved, Mrs. Hansohn seconded, approval of the minutes.

Mr. Chase called for voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None

Absent – Rosenberger

Motion carried 6 to 0

CONSENT AGENDA

Mr. Bossio reviewed the following consent agenda items.

a) The Board will consider awarding a cleaning service contract to L. T. Cleaning Services, Inc.

b) The Board will consider acceptance of a grant of \$20,000 for the Sheriff's Office from the DMV and appropriation of those funds.

c) The Board will consider a request from The Salvation Army to discharge fireworks on Saturday, September 5, 2009.

Mrs. Hansohn moved, Mr. Underwood seconded, to approve the consent agenda items as presented.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None

Absent – Rosenberger

Motion carried 6 to 0

GENERAL COUNTY BUSINESS

SPECIAL PRESENTATIONS/RECOGNITIONS

a) **The Board will recognize Career Partners and the E Squared Program for receiving the Governor's Region IV "Creating Excellence Award."**

Mr. Chase called for a moment of silence in memory of Alana Hester, E Squared Program member, who had been killed in an automobile accident the previous week.

Mr. Bossio asked that the members of the Career Partners who were present to stand and be recognized. He read the certificate of recognition citing how the Career Partners and the E Squared Program Group had received the Governor's Region IV "Creating Excellence Award."

Mr. Chase presented the certificate following which Mr. Chuck Gyory, along with a number of the Career Partners who were present, thanked the Board noting that the Board's special recognition meant a great deal to them.

b) The Board will recognize Alan H. Culpeper and N. Robin Keagy, Procurement Department, for receiving the Achievement of Excellence in Procurement Award.

Mr. Bossio read the certificate of recognition and complimented the two-person department for receiving the Achievement of Excellence award. Mr. Bossio noted that Culpeper County is one of only thirty-four counties in the United States and one of seven in Virginia to receive this award.

Mr. Chase presented the certificate to Mr. Culpeper and Ms. Keagy. Mr. Culpeper noted they had worked hard in receiving the award; however, it was not for personal recognition it was their job to ensure that the citizens of Culpeper were receiving the most efficiency and best value for their tax dollars by performing their duties legally, morally and ethically.

c) Mr. Bob Blancato, Chairman of the Commonwealth Council on Aging and Ms. Ann Brown, a member of the Council, will present a special award to the Rappahannock/Rapidan Community Services Board/Area Agency on Aging. (Note: The presenters arrived until 11:00 a.m. and have asked that this presentation be held until that time.) This presentation was made after the completion of the action on Item 5.01.

VDOT REPORT TO THE BOARD

Mr. Roy Tate, Assistant Residency Administrator, noted Residency Administrator Donald Gore could not be present. Mr. Tate provided the update regarding VDOT construction and activities within Culpeper County to include the following:

Completed the second mowing cycle; cut brush around bridges and storm water areas; the Adopt-A-Highway program participants picked up thirty-four bags of trash in one area of Culpeper; pothole patching was performed, cut debris from around signs; continued maintenance of gravel roads; currently performing annual maintenance and inspection of the snow equipment.

He noted VDOT's permit department had approved the site plan for the Soap Box Derby. The last inspection of the Lowes intersection project had been performed and punch items were being completed; paving on Route 29 was being completed through the stimulus money received; Route 229 project near the High School was ahead of schedule.

Mr. Tate stated he had attended meetings on the Outer Loop Road project and Route 29 Corridor. The Route 745 project had been started and hopefully the grading could be completed prior to winter weather setting in.

Mrs. Hansohn questioned the status of the plans for the Outer Loop Road and Mr. Tate responded that he could not answer this, because the District Office was handling it.

Mr. Walker noted that the Board would be taking up the matter of restricting truck traffic on York Road and asked if Mr. Tate had any comments on this. Mr. Tate noted he was not familiar with this; however, Mr. Gore may be.

Mr. Egertson noted that Mr. Gore was aware and had indicated that he supported the measure.

Mr. Chase cited an instance in the Route 3 area where VDOT and County approvals had been given for an entrance permit; however, the Cable Company had held up the process. He questioned who had the final approval.

Mr. Tate explained that once the VDOT and County approvals had been provided for the site plan, it was up to the property owner to deal with the utility companies. He noted that most of the time utility companies will adjust their lines at no cost to the owner, but if the utility is there by right, they are not required to do it at no cost.

Mr. Chase and Mr. Tate briefly discussed the situation in question, which they believed that it had been resolved, with Mr. Chase noting he wanted to know who had the final call for future reference.

Mr. Nixon asked the criteria for underground utility installation. Mr. Tate noted if the road was being crossed from side to side the installation typically has to be three feet below the lowest point in the road, plus some of the utility companies have stricter criteria than VDOT's. If the line is running parallel with the road and behind the ditch line, it is usually three to four feet deep. A brief discussion ensued.

Mr. Underwood asked if there had been any recent requests for safety studies to be performed. Mr. Tate noted he had received a request concerning a sight distance study for the intersection at White Shop Road. He noted he was trying to determine if this was something that VDOT would provide.

PERSONAL PROPERTY TAX RELIEF (PPTR) PERCENTAGE REDUCTION

The Board will consider a resolution for the possible relief percentage reduction related to the personal property tax bills for FY10 (calendar year billing 2009)

Mr. Bossio presented the resolution. He noted for this year, the Commissioner was recommending that the personal property tax relief be increased from 35% to 39%. He explained how the PPTR is calculated and noted the resolution was before the Board for consideration.

Mr. Underwood moved, Mrs. Hansohn seconded, approval of the resolution.

A brief discussion ensued regarding the percentage increase being good for the citizens; the decrease in the personal property values was not good for the County.

Mr. Walker noted the percentage increase was good for the citizens; however, it was not as good that the value of personal property had decreased.

Mr. Underwood questioned how the 14.6% decrease compared to what was originally budgeted. Mr. Bossio explained that 12.5% had been used in the budget and he was not sure how much revenue may or may not be lost. He noted this would be better understood once the books are closed. Mr. Bossio noted, depending on the accuracy of the numbers, it could be approximately \$270,000 difference to what was put in the budget.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker
Nays – None
Absent – Rosenberger
Motion carried 6 to 0

TREASURER'S ANNUAL REPORT

Mr. David DeJarnette, Treasurer, presented the Treasurer's annual report to the Board. He noted the report was similar to an economist report because it reported what had occurred and it was hard to predict what would happen. He noted the report is broken down into six segments:

Report 1: A list of real estate on the land book improperly placed thereon or not ascertainable, with the amount of taxes charged thereon. One parcel was only assessed for one tax year and was past the twenty-year collectible period as of January 1, 2009. Mr. DeJarnette noted he would like to write off the \$90.39 for this bill.

Report 2: A list of delinquent real estate due to the nonpayment of the taxes thereon. A summary of this report was provided. Mr. DeJarnette stated real estate delinquencies cover a twenty-year period. The majority of accounts that go more than three years delinquent are assigned to an attorney for collection. He noted there was \$1.1 million in delinquency and that was higher than last year. He stressed that the Treasurer's Department collects almost 100% of delinquencies and the law firm of Sands, Anderson, Marks and Miller has been working with the Department on collection efforts since 1994. Mr. DeJarnette noted that tax sales are scheduled each year. Last year there were six parcels that were advertised for sale and two were redeemed prior to sale and three were actually sold.

Report 3: A list of delinquent taxes assessed on tangible personal property, machinery and tools, and other subjects of local taxations, other than real estate, that the Treasurer was unable to collect. Mr. DeJarnette noted this was an area of concern for him, because at the end of the fiscal year the delinquent personal property list was at \$2.7 million, which was substantially higher than the previous year's figure. He noted in the early 2000's Culpeper experienced rapid growth and now with foreclosures, loss of homes and jobs many of the families are no longer in Culpeper and it is extremely difficult to collect the delinquent personal property taxes. Mr. DeJarnette stressed that his Department is doing its best with known avenues for collections, as well as, recently entering into an agreement with TACS, a tax collection firm, to help collect the taxes that are more than two years old.

Mr. DeJarnette totaled the real estate and personal property tax delinquencies at \$3.8 million, which was approximately 7.5% delinquency rate. He noted that a review of

the past twenty-eight years of collections reflected that there had only been a total of eight years with delinquency rates below 5%

Mr. DeJarnette believed Culpeper's experience was very similar to what other localities are experiencing. He added that an additional \$500,000 had been collected since the end of the fiscal year.

Report 4: This report was intended to be a list of the uncollected taxes amounting to less than twenty (\$20.00) dollars each for which no bills were sent under Section 58.3912. However, Mr. DeJarnette clarified that he did not follow this procedure like some localities. His Department attempts to collect these the same as other tax bills.

Report 5: This report was intended to be a list of uncollected balances of previously billed taxes amounting to less than twenty (\$20.00) dollars each as to which the treasurer has determined that the cost of collecting such balances would exceed the amount recoverable, provided that the treasurer shall not include on any such list any balance with respect to which he has reason to believe that the taxpayer has purposely paid less than the amount due and owing. Mr. DeJarnette explained that he did not do this like some other localities. His Department attempts to collect these the same as other tax bills.

Report 6: Mr. DeJarnette noted that this was a new section added last year due to changes in the laws. A list of uncollected balances of previously billed tangible personal property taxes on vehicles that (1) were owned by taxpayers, now deceased, upon whose estate no qualification has been made, or (2) were transferred to bona fide purchasers for value pursuant to Section 46.2-632, 46.2- 633, or 46.2-634 without knowledge, on the part of the persons so transferring, of the unpaid taxes.

Mr. DeJarnette reported there had been nine deceased persons with a non-collected tax total of \$1,852.48. He noted that if the Board approved the annual report those nine accounts would be written off the books.

Mr. Underwood asked of the \$500,000 collected within the last two months how much was personal property versus real estate. Mr. DeJarnette estimated about \$200,000 in real estate and \$300,000 in personal property. He reiterated that other collection mechanisms are not implemented until the real estate is delinquent for more than two years. He discussed this further.

Mr. Underwood asked what Mr. DeJarnette expected in real estate tax collections for the remainder of the year. Mr. DeJarnette responded that it appeared the economy had perked up and was showing some positive signs and tax collections have done the same. He noted that it appeared the tax collection percentages track very close to the jobless percentage rates in Virginia. Mr. Underwood asked if the County was behind or ahead of the budget projections.

Mr. Bossio noted he and Mrs. Lamb had done some calculations and in FY08 Real Estate was about \$291, 888 and in FY 09 it was \$3,227,930. He stated this was an increase of over \$3,000,000 from one year to the next. However, that represented only a \$500,000 increase in revenue versus budgeted. He noted; however, on the personal property side it was almost \$500,000 less so the two cancel each other.

Mr. Underwood asked if the County was still on budget. Mrs. Lamb explained that the FY 10 budget was based on historical figures based on collections and provided by the Treasurer. If the personal property rate of uncollectible was higher, it was unknown on how it would affect the FY 10 budget. Mrs. Lamb stated the FY 09 budget appeared to be about on target with collections and once Mrs. Yowell completed the books more would be known on what the personal property would look like.

Mr. Underwood discussed this further noting that it appeared that the County was running roughly 25% off of the delinquency rate that it had in the past and if the past history was used to budget then the revenues could be off that much. He provided his thoughts on how the budget figures could be different than the projections and asked that this be looked at.

Mr. Bossio and Mrs. Lamb agreed that as soon as all the books are completed they would know more.

Mr. Nixon thanked the Treasurer for a concise and informative report.

Mr. Nixon moved, Mr. Aylor seconded, approval of the Treasurer's annual report.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None

Absent – Rosenberger

Motion carried 6 to 0

COUNTY/TOWN WATER AND SEWER AND BOUNDARY ADJUSTMENT ISSUES

Mr. Bossio reported that at the direction of the Board and Town Council, the County and Town staffs have continued to meet regarding the Town and County water and sewer issues. He stated a joint meeting was tentatively scheduled for September 24 and that he had informed the Town of Mr. Chase's request to change the meeting date and that he would like for the Board to agree upon another date to meet.

Mr. Bossio noted the two major pieces for discussion at the upcoming joint meeting are:

1) How the transfer of utility related assets, both Town and County, would occur. Three courses of action have been discussed: long-term operating agreement, charter change, and referendum. He said the Town did not like doing a charter change and at least from the staff's perspective a referendum was preferred. Further, he believed the attorneys have agreed that a long-term operating agreement was not feasible to secure the interest of both parties going forward. Mr. Bossio felt certain one question everyone needed to take into consideration was what would be the date of the referendum in order to make everything work realizing that a July completion date had been established.

2) Boundary adjustment was the second issue. He noted the Town and County had discussed this for quite a few years and what the Staff had determined to bring to the Board and Council was that the Town's interest in boundary adjustment, in exchange for the water and sewer system going into an authority, is to have land that is productive for the Town. He noted different scenarios had been discussed in years past, but what the

Staffs thought might be best was to start the conversation utilizing the Town and County MOU. Mr. Bossio noted from the Town's perspective, once the water and sewer assets go into an authority the Town will have lost its leverage to gain any acquiescence about land in the future. He noted one of the things the Town Manager and Staff had agreed to do was to look at a scenario of where less land would be taken into the Town initially. Instead of all the land mentioned in the MOU, look at taking in two or three areas that are currently productive, zoned and about built out. Then certain criteria would be established to determined when and what additional areas the Town can annex in the future. In exchange for this, the Town would agree that it does not want to become a city in the boundary adjustment plan and would want to remain a small to medium town.

He noted both the Town and County have development goals. The Town is interested in retail uses; hotel, motel and individual to small office complexes and the larger office and industrial parks and intensive types of businesses would go out into the County. All of this would be guided by jointly agreed upon criteria around a preset geographic area, but it would also depend upon where development occurs, and what it is, on whether or not it is incorporated into the Town in the future.

Mr. Bossio stressed this was a summary of what would be presented by Staff at the upcoming joint meeting. He welcomed questions on the methodology and also suggestions on the meeting date.

Mr. Chase stated he appreciated all the work done on this, but he would have to see everything in writing so he could understand it better. Mr. Bossio noted this would be provided at the next meeting. He briefly summarized how the Town staff desired flexibility in dealing with the boundary adjustment.

Mr. Chase explains that his reason for requesting a change in the date was due to wanting to attend his aunt's 100th birthday party. A brief discussion followed.

Mr. Chase offered Council Members Yowell and Coleman, who were present in the audience, and opportunity to speak to the subject; however, they indicated they had nothing further to offer.

Following brief discussion on dates on which to hold the joint meeting, the Board agreed September 21 or September 28 at 6:30 p.m. would be acceptable.

Mr. Underwood noted his appreciation to the Staff for working on possible solutions to the water and sewer issues. He noted the bodies did discuss after reaching the MOU similar versions of what Mr. Bossio had discussed. He discussed his concerns noting the potential for competing uses creating an area just outside of town existed and a lodging facility was one that could fall into that category. Mr. Bossio believed some of the concerns could be addressed through establishing rate schedules and service areas and this was something that both bodies needed to discuss in order to reach resolution.

Mr. Underwood stated the referendum might not be the easiest way, but allowing the citizens and constituents to express their views made sense to him. He noted that the Town has an election in 2010 and this may work out well.

Mr. Nixon commented that the County has some incentive programs to help businesses locate in Culpeper. He further elaborated that if existing businesses expand,

they can receive educational tax credits and this all needs to be factored in. Mr. Bossio explained that this had been thought about, but had not been specifically addressed. He discussed this briefly.

Mr. Nixon iterated that he would not like for it to appear that there were disincentives connected with locating in the Town or County, because overall business development in any location benefits the entire community.

Mr. Chase pointed out that the joint meeting could still be held on September 24 even though he would not be available. He believed he would still have opportunities later to discuss any concerns he may have. Discussion ensued with it being agreed to propose meeting on September 21 or September 28 and that the discussions be held in open session.

Mr. Walker stated if the Town wanted to do a referendum then a definite date needed to be set and adhered to. He believed it was too late to do it in November and the two bodies had agreed to have an agreement worked out in July.

Mrs. Hansohn agreed and stated that the referendum date needed to be locked in, because there was a lot of information that needed to be provided to the Town citizens so they would understand what they were being asked to vote on.

Mr. Thorpe pointed out that it is very likely that the timelines established in the current amendment to the 2003 agreement will have to be extended. He noted the deadline was actually the end of June 2010 and pursuant to the agreement that included securing the Commission on Local Government and court system reviews. He stated this probably would not be achieved even if there were a referendum vote next spring. He asked that the Board keep an open mind regarding this possibility, because it was a very important and comprehensive agreement that needed to be reached. If the deadline could not be achieved, he would hate to see that cause the discussions to end. He noted that a special election for the referendum vote could be called at another time or it may be in the Fall of 2010. Mr. Thorpe reiterated if things are progressing in a positive manner then an extension of deadlines might be needed.

Mr. Nixon stated, he believed, that everything possible should be done to try and meet the deadlines, because water and sewer issues had been under discussion for over twenty years and the citizens were expecting decisions to be made.

Mr. Walker suggested some information on what a special election would cost would be good to have. Mr. Thorpe noted these were issues and hurdles that the Town needed to address. Mr. Walker said this might be something that could be discussed at the joint meeting.

Mr. Chase asked if the two proposed meeting dates raised any concerns with Council Members Yowell and Coleman and they did not know of any.

VOLUNTARY EARLY RETIREMENT PROGRAM

Mr. Bossio noted there had been requests to extend the early retirement program to January. He noted three individuals had decided to utilize the program and others may participate if it is extended to January. Mr. Bossio stated there did not appear to be any

additional revenue loss to do this; therefore, he recommended that the program be extended to January 1 with all applications being in by mid-December. He noted that the Personnel Committee members did not object to this being brought directly to the Board.

Mr. Nixon noted that the Committee had previously discussed the program and the possibility of having to extend it to encourage more participation, so the Committee did not have a problem with it being put on the Board's agenda.

Mr. Underwood asked if there was a certain participation goal. Mr. Bossio believed it would take approximately seven to reach the financial goal, but it could be more or less.

Mr. Underwood asked why the individuals did not want to participate earlier and requested an extension. Mr. Bossio noted some of it was due to individual tax issues for some who wanted to participate.

Mrs. Hansohn moved, Mr. Nixon seconded, to extend the Voluntary Early Retirement Program to January 1, 2010.

Mr. Chase called for a voice vote.
Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker
Nays – None
Absent – Rosenberger
Motion carried 6 to 0

NEW BUSINESS

CERTIFICATE OF PUBLIC CONVENIENCE TO OPERATE TAXICAB SERVICE

Mr. Bossio presented the request for issuance of a certificate of public convenience to Crystal Marie Frymier, Cruizen Cab Company, LLC, for the operation of a taxicab service within Culpeper County. He noted that the Sheriff had reviewed the application and had approved it for the Board's consideration.

Mr. Underwood moved, Mr. Nixon seconded, to approve the request.

Sheriff Branch attested to his review of the application and that it was recommended for approval. Mr. Chase recalled some issues that arose years past after the Board had approved a taxicab service and noted he wanted to be sure things were in order.

Mr. Walker asked if there were any other taxicabs services available in Culpeper at this time. Sheriff Branch stated, based on the information he had, there was only one.

Mr. Chase called for a voice vote.
Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker
Nays – None
Absent - Rosenberger
Motion carried 6 to 0

Note: At this time the Chairman called for the special presentation to the Rappahannock/Rapidan Community Services Board/Area Agency on Aging (RRCSBAA).

Mr. Bob Blancato, Chairman of the Commonwealth Council on Aging, noted the Council was comprised of nineteen members from each Congressional District and are appointed by the Governor, four appointed at large by the Speaker of the House of Delegates, and four by the Senate Committee on Privileges and Elections. He noted the purpose for the Council was to ensure that state government takes a well-coordinated approach to meeting the needs of all Virginians. Mr. Blancato noted they were presenting a great award today for a great program

Ms. Ann Brown, member of the Council and Chairman of the Nominating Committee, stated the Governor initiated the program. She stated the Council wanted to recognize programs that helped the aging. She noted those present would one day be elderly and may need the services. Ms. Brown stressed how it was good to have programs worth duplicating and the one receiving the award was that type of program. She complimented RRCSBAA for developing such a unique program that helped senior citizens manage their finances.

Mr. Brian Duncan, Director of RRCSB, requested that the presentation be made to Doug Schiffman, Program Administrator.

Mr. Blancato and Ms. Brown presented the award.

Mr. Duncan noted that Doug Schiffman, resident of Rappahannock County, was a volunteer who spearheaded the protected money management program and brought it to the point of being recognized as the best practiced program in Virginia. He noted Mr. Schiffman had secured and trained volunteers, and donated personal resources of time and money to support this endeavor. He thanked the Board for taking the time to recognize the contributions of a volunteer citizen and the difference they can make.

Mr. Schiffman commented that he was always looking for volunteers and encouraged anyone interested to contact him.

Recess: Mr. Chase noted there had been a request for a recess. The Board recessed at 11:08 a.m. and reconvened at 11:15 a.m.

5.02 DISCUSSION OF PROPOSED PURCHASE OF 8077 CONNOR DRIVE IN THE VILLAGE OF GRIFFINSBURG BY CSB

Mr. Chase noted this item had been added to the agenda and recognized Mr. Underwood who wanted to address the issue.

Mr. Underwood noted that he had started receiving calls and emails the previous Saturday from individuals in Griffinsburg. He stated he had received more calls and emails on this issue than any other issue since he has been on the Board of Supervisors.

Mr. Underwood explained that the nature of the calls had to do with the Rappahannock/Rapidan Community Services Board (RRCSB) being the contract purchaser of 8077 Connor Drive in the Village of Griffinsburg. He explained the neighbors

had begun a research into the RRCSB minutes posted on-line and found an item under the Executive Director's report which was titled "The Jail Diversion Reentry Grant Initiative" under which, RRCSB indicated a proposal for \$250,000 funding to purchase a home. The home would not be staffed and would follow a halfway house type model. The hope was that it would aid individuals to successfully transition and reenter the community post incarceration. It would be for those leaving jail with mental illness and substance abuse disorders.

Mr. Underwood further related the residents' concerns the way he understood them. He noted some had expressed concern with CSB looking into the neighborhood stabilization program. He referenced an article in that day's paper that reported on the Town receiving \$1.2 million in grant money to purchase foreclosed homes and based on the grant materials that means, to some degree, stabilizing real estate values. It is the belief that using such funds for group homes may not stabilize values at the level that the grant and program intended, so there are questions along those lines. Also, the neighbors had questions about the site selection process and why 8077 Connor Drive had been selected for purchase by the CSB.

Mr. Underwood asked if Mr. Duncan or someone from CSB could in any way address the Jail Diversion and Reentry Grant Initiative as outlined in their minutes and provide an update, because that seemed to be a program that was not historically a part of CSB. He stated he would like to know why and where the funding is coming from.

Mr. Chase invited Mr. Duncan to address the matter.

Mr. Duncan thanked the Board for allowing him to address the very legitimate questions. He noted that when he learned of the questions being raised he had shared with Mr. Underwood and the president of the HOA the proposed use of the property, which was not related to the jail diversion initiative. He stated he agreed it would be inappropriate to use the Connor Drive property for the jail diversion initiative. Further, the Connor Drive purchase is not related to any neighborhood stabilization funds. He explained that CSB had collaborated with Fauquier County Government and their neighborhood stabilization program initiative and they have identified a number of uses, one of which is potentially a group home acquisition by the County Government and this home would be leased back to CSB. He noted he had been working with the Fauquier County Administrator in defining CSB's needs and that was the reason there was discussion in the CSB minutes.

Mr. Duncan stated CSB approached the site selection process similar to the way a single family would look for stable investments: good properties, safe neighborhoods, and decent places to provide care for the citizens that CSB provides services to. He emphasized that in the current market, once the Connor Drive property was identified, it was important to move quickly. He noted CSB had served a group of Culpeper citizens in residential services with a staffed, twenty-four hour program for over two decades and four of them are the same people. Mr. Duncan explained that there was not much turnover in traditional group programs for adults with intellectual disabilities. He discussed where the adult group home facility had previously been located and that currently it was located in a rental property. He stressed how CSB's strategic direction was to own good properties that would represent capital assets for the Board and serve its very stable adult population.

Mr. Duncan explained that CSB maintained a small amount of capital reserves sufficient to purchase single-family dwellings and the proposed purchase (Connor Drive) would be a cash transaction. He stated CSB is a public entity and the money was State general funds not stimulus dollars.

He briefly explained the jail diversion initiative noting he believed it to be a creative initiative of partnering with the local Culpeper Prisoner Reentry Council. He noted this Council had been in existence for many years represented by the Culpeper Social Services, law enforcement, Virginia Employment Commission, Literacy Council, probation and parole, etc. Mr. Duncan noted that CSB had been communicating with the Council for a few months on a collaboration for providing transitional housing for people in our community, who are at risk of entering prison or coming out of prison. He noted the Council was very interested, but an agreement had not been finalized nor had a property location been firmly identified. He related that CSB was positioning itself to provide mental health services to reduce the risk of incarceration and to make more successful the transition of someone coming out of the prison system. This is an unmet need in the community and the CSB has viewed this as an opportunity to chisel away at a significant need for local folks.

Mr. Underwood stated he appreciated the clarification and noted that he would certainly pass it on to the constituents that it did not involve the jail diversion and reentry program initiative. He remarked that he was genuinely surprised to learn that the State's general funds were in such good shape that it was able to pass down money for CSB to make cash purchases of foreclosed homes. He stated that historically the group homes had been rented from individuals who were obviously aware of the use and appreciated helping the mission and this did not seem to be such a situation. He said he had received calls from literally every member of the Village of Griffinsburg, except one, and also from some of the surrounding property owners none of whom were in favor.

Mr. Underwood stated he completely supported the mission of helping those who are mentally and physically disabled. He stated he was concerned with purchasing foreclosed homes with public funds in areas where the citizens do not know what is going on and why. These individuals ended up becoming very concerned and perhaps even needlessly concerned. Mr. Duncan stated CSB owned and operated eight group homes within the five county area. He clarified that the CSB did not go into the market to purchase foreclosed properties; this property just happened to be identified as being on the market. He noted that the group homes had been successfully integrated into all their current locations and he understood and respected the concerns brought forth by the citizens and he had tried to address them. He stated many people have concerns and they do not usually diminish until the group home had successfully been there for some period of time and become just another house on the street.

Mr. Duncan disclosed that CSB was a public body and accountable to the County. He believed citizens had an unprecedented amount of oversight, knowledge, and ability to raise issues in reference to any of the services offered by CSB. He noted if it was an individual purchasing the property, the citizens would not have access to the same type of information. He stressed that there was a certain amount of insurance with the nature of the organization; there are citizen appointees who are reachable if something is viewed as being improper. Therefore, part of the process for CSB was to be responsible property owners and accountable for the services it provides.

Mr. Duncan noted from the business side CSB sought to own properties rather than rent them when reserves allow this to be done, because it creates an improved asset for the future and he believed this was good for everyone. Mr. Duncan did not believe renting properties was as reliable.

Mr. Walker questioned the twenty-four hours, seven days a week service and asked if there was direct supervision at the house. Mr. Duncan responded that it meant there was staff present in the facility around the clock. Mr. Walker surmised that due to the fact that CSB had to act quickly to secure the property that was the reason why they had not reached out to the neighbors in anyway and the neighbors had to find out about it second hand. He stressed that CSB had not reached out as a 'good neighbor' to explain what it was doing; therefore, the residents got this forum together because they were scared.

Mr. Duncan stated CSB did not reach out to the neighbors because it is not practical to do that in the real estate market, because it takes one out of the playing field, takes too much time, and almost eliminates one's ability to compete. Further, the CSB, which is comprised of citizens, had taken its action in a public manner. He emphasized that he and the CSB members try to address the questions as they come up, which they viewed as their primary obligation. Doing mailings, hosting meetings, etc. has not been viewed by CSB as realistic when competing in the real estate market for homes in good neighborhoods.

Mr. Walker recalled that Mr. Duncan had mentioned that four of the individuals had been in the adult program for many years. Mr. Duncan stated they had been in the program for over twenty years and they would be among the residents of the home in question. He clarified that sometimes people construe group homes as rehabilitative facilities where people are moving in and out; however, this was not the situation. When individuals are moved into the facility, it was intended to be their permanent home. He noted there was very little turnover.

Mr. Walker asked if he realized the neighborhood that he was looking to place a home is was more of a private neighborhood with covenants, shared common properties and liabilities. Mr. Duncan stated they would share the liabilities and noted that a group home is being constructed in Lake of the Woods, which has shared dues, fees, and responsibilities.

Mr. Walker asked if Mr. Duncan had spoken with the Lake of the Woods Association. Mr. Duncan said he had met with their board, attorneys and had hosted a group of citizens after they learned that the property had been purchased. Mr. Walker asked if Mr. Duncan planned to conduct a meeting in this incidence. Mr. Duncan stated he had offered to Mrs. Fry and in his communication with Mr. Underwood that he would be happy to meet with the homeowners' association to address the questions. He stated as a public official he was willing to tell them what CSB was doing.

Mr. Chase suggested that Mr. Duncan attend the Board's evening meeting, because he believed there would be a host of individuals present, based on the calls he had received.

Mr. Chase stated he was not certain of the number of group facilities located in the Stevensburg District. He noted the one that CSB controlled he had not heard of any

problems being caused; however, there was another which was not under CSB that did create trouble with calls to the Sheriff's Department.

Mr. Duncan stated he would attend the citizens' forum scheduled for that evening.

Mr. Underwood believed the same opportunity that had occurred with meeting with Lake of the Woods' attorneys would occur in this situation, because the residents were going to do all it could to prevent any change in use. He stated he had also received questions regarding, based on the contemplated use, how many bedrooms or separate rooms would people be sleeping in. Mr. Duncan speculated there would be four.

Mrs. Hansohn asked, for clarification purposes, if the individuals had a criminal background. Mr. Duncan stated no and that it would be very unusual for this to be the case with individuals with severe intellectual disabilities.

Mr. Aylor stated he knew that CSB operates within the State laws and guidelines and he certainly understood and appreciated the need for the services. He said when he heard about this situation, he questioned whether it would be better to build a home closer to other facilities versus going into a neighborhood where people have bought homes and want everything to be consistent, and all of a sudden the use of a home changes and the impact that it can have. He noted he was not saying that the CSB clients were bad people, but it was a change to the neighborhood and questioned if locating a home in a campus atmosphere near the new Boxwood Facility had been considered.

Mr. Duncan stated that CSB was sensitive to this and they were also advocates and in most cases, particularly for this group of people, would be advocating for main streamed access to the community. He explained that the individuals that CSB provided services for, particularly those with intellectual disabilities, should have access to the same decent, affordable and nice housing in communities like the rest of us do. He stated there are times when this is not the case, but this was a very stable adult population. Most advocates for individuals with intellectual and physical disabilities seek a blended integration into any community as opposed to congregated, large settings. He noted there is public debate about these things, which he was respectful of. However, CSB primarily advocates for those citizens in our community with those needs and would see the acquisition and use of properties in the good neighborhoods of our community as the perfect and logical place for individuals with no history of problems in our community to live successfully and take advantage of the same things many others do.

Mr. Duncan stated he appreciated Mr. Aylor's sentiment and that it was not unfounded in some cases i.e. the jail diversion program. He admitted he should be run out of the room if he was proposing to put something like that on Connor Drive. He said the CSB would never see that as appropriate, because it considers things very carefully.

Mr. Aylor stated there are two sides to every story and he wanted to have the dialogue with Mr. Duncan. Mr. Duncan said he could respect that.

Mr. Chase recalled his debate with Mr. Duncan over the location of the new Boxwood facility. He said that Mr. Duncan had emphasized that he wanted the facility to be located where it would have accessibility to shopping centers and stores. Certainly, with locating this home in Griffinsburg, Mr. Duncan was not saying the same thing. Mr.

Duncan responded that the CSB provided transportation for the consumers of this type program. Being five or six miles out of Town is not much of an issue.

Mr. Chase stated he had lost the argument years ago and questioned why Mr. Duncan did not say the same thing when he (Mr. Chase) had wanted to expand Boxwood on its current location.

Mr. Underwood stated he hoped Mr. Duncan was able to convince the constituents that this was an appropriate use and not alter the character of their small neighborhood. He stated his initial thought was with traffic consisting of someone coming to pick people up and there being 24 hour staffing and with there being six adult residents living in the community full time, it is very different from the other uses in the neighborhood and what the purchasers thought they were entering into and commonly agreed upon as covenants to protect themselves. He said he was aware that there are state and federal laws that protect, and for a good reason, those with disabilities. He said he would be surprised if the members of the neighborhood felt enough relief, that they would approve of and support the acquisition. Mr. Underwood added perhaps it was important that the CSB hear their disapproval; actions have consequences and from his standpoint this was against the desire of a significant portion of the people that he represents and while he appreciated a lot of the stuff that the CSB does, he certainly needed to keep that in mind for the future.

Mr. Chase asked if there were any other comments. There were none. He thanked Mr. Duncan.

Mr. Walker suggested that in addition to inviting Mr. Duncan to the evening meeting that all of the appointed members of the CSB be invited as well. Mr. Chase stated Mr. Duncan could take care of that and explained to the CSB members, who were present in the audience, that they were invited to come to the Board of Supervisors' meeting that night to hear what the citizens had to say regarding this matter.

COMMITTEE REPORTS

AD HOC ANIMAL SHELTER ADVISORY COMMITTEE REPORT – August 25, 2009

Mr. Chase reported that the Committee had discussed and recommended holding an Animal Shelter Open House in early November 2009. Some of the ideas being considered were: tours of the facility, children activities, providing information on animal control issues, how to become involved as a volunteer, etc. He noted the approval of the Board was being requested.

Mr. Nixon moved, Mrs. Hansohn seconded, to approve holding the open house.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None

Absent – Rosenberger

Motion carried 6 to 0

(See Attachment 1 for details of the Committee meeting)

BUILDING AND GROUNDS COMMITTEE - August 11, 2009

Mr. Aylor reported there were two recommendations forwarded by the Committee:

a) **Recommend the Board approve the Culpeper County Bicycle Study, which was prepared by HNTB Consultants for VDOT, with Staff revisions. The Committee recommendation includes a final revision to include planned bike routes on the Western Outer Loop and other portions of the loop road around the Town. The Study is intended to be incorporated into the next update of the Culpeper County Comprehensive Plan.**

Mr. Aylor presented the recommendation and moved, Mr. Walker seconded, to approve the Culpeper County Bicycle Study as recommended by the Committee.

Mr. Chase questioned the costs. Mr. Egertson noted the bike study was paid for and VDOT had incorporated the bike routes into the Outer Loop plan regardless of the study. He noted it was standard practice for VDOT to do this.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None

Absent – Rosenberger

Motion carried 6 to 0

b) **Recommend the Board approve renewing the ~~lease~~ license agreement With Scenic America, Inc. for a three-year period, with a snow removal plan and a convenience of the government cancellation clause included.**

Mr. Aylor presented the recommendation for consideration.

Mr. Thorpe pointed out that the term 'license agreement' needed to be used in the motion rather than 'lease agreement'

Mr. Aylor moved, Mr. Nixon seconded, approval of renewing the license agreement with Scenic America as recommended by the Building & Grounds Committee.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None

Absent – Rosenberger

Motion carried 6 to 0

(See Attachment 2 for details of the Committee meeting)

PUBLIC SAFETY COMMITTEE REPORT – July 23, 2009

Mr. Nixon presented the following Committee recommendation:

a) **Recommend the Board approve entering into a lease agreement with Salem Volunteer Fire Department for office and training room space for at least a**

two-year period at the \$750.00 per month rate, and with a CPI Index renewable each year for five years.

Mr. Nixon noted that this matter had been postponed by the Board to allow further consideration on whether use of the former Salem Volunteer Fire Department facility, owned by New Salem Baptist Church, was feasible. He stated it had been determined that the facility needed extensive renovation and would not work well for the office and training space. He noted money was available in the budget for leasing the space.

Mr. Nixon moved, Mr. Aylor seconded, approval of entering into a lease agreement with Salem Volunteer Fire Department as recommended by the Committee.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None

Absent – Rosenberger

Motion carried 6 to 0

b) Recommend the Board approve entering into a lease agreement with New Salem Baptist Church for the use of the former Salem Volunteer Fire Department facility for storage purposes.

Mr. Nixon stated the former Salem Volunteer Fire Department facility could be leased for storage purposes for the County, Sheriff's Department, possibly the schools, etc.; therefore, the Committee was recommending that the facility be leased from the New Salem Baptist Church for one dollar per year. He noted a copy of the proposed lease was included in the Board's packet.

Mr. Nixon moved, Mr. Walker seconded, approval of entering into a lease agreement with New Salem Baptist Church as recommended by the Committee.

Mr. Chase asked how many years the lease was for.

Mr. Thorpe noted the lease was proposed to begin on October 1, 2009 and continue until September 30, 2010 and it provided for automatic renewal for additional one-year terms unless either party gives notice of termination.

Mr. Chase questioned the possibility of purchasing the building. Mr. Nixon noted this had been proposed; however, the Church was not interested in selling the property. He stated only the modifications needed to accommodate storage would be made, so the costs were anticipated being low.

Mr. Underwood questioned if it was worthwhile to lease the property for a year considering the cost associated with repairing the facility.

Mr. Howard noted that staff had visited the facility and looked at the condition of the space. He believed it was a good investment, but there would be some initial capital investment to be made even before using it for storage. He noted there was a mold and mildew problem because it had been closed up for several years; a contractor looked at it to determine what it would cost to clean up the space, fix roof leaks and air condition problems and the initial estimate was approximately \$69,375 and \$22, 250 as annual

operating costs. He noted it was 17,500 sq. ft. of space and in good condition and the County may recoup some of the investment by subleasing the space.

Mr. Chase stated the County could invest the \$91,000 and then lose the space. He stated one-half of the year would be spent getting the renovations done and that would only leave the other half for actual use of the space.

Mr. Nixon stated that was a valid point; however, the Committee thought it would be worthwhile to at least consider it. He stated they could certainly go back to the Church and ask them to consider granting a longer term.

Mr. Bossio stated at the time the lease was being discussed the costs to renovate had not entered into the issue and once the Church realized this, it may be agreeable to a longer lease.

Mr. Thorpe noted that there was nothing in the lease agreement that addressed the renovation issues. He asked if Mr. Howard could estimate what the life of the repairs would be. Mr. Howard noted it would be good for more than ten years. Mr. Thorpe suggested that the Board either direct that the initial term of the lease be longer to capture the life expectancy of the repairs or if it is kept at a one or two year lease that possibly at the expiration of it, the County ask the Church to pay the depreciated costs of the improvements to their property. He said he did not expect that the Church would want to come up with money to buy the County out of its own building.

Mr. Nixon stated he did not believe the Committee would have any objection to requesting a longer lease.

Mr. Bossio suggested that both resolutions be offered in the lease in case the Church needed the property or had a better deal and it was mutually agreed upon by both parties then the Church could pay the prorated share of the improvements. If not, a ten to fifteen year lease could be considered.

Based on a suggestion from Mr. Nixon, the consensus of the Board was to allow the original motion to be withdrawn and to postpone further action on the matter until the next regular meeting to allow time for the Committee to further negotiate the lease agreement.

c) Recommend the Board approve a supplemental appropriation to match the amount necessary to meet the Worker's Compensation requirement for the Fire and Rescue Association.

Mr. Nixon moved, Mr. Underwood seconded, to approve the Committee's recommendation.

Mr. Nixon explained that there were more people covered under the worker's compensation insurance than originally anticipated and the difference in the costs had to be appropriated.

Mr. Chase questioned and Ms. Farmer-Dumas responded that the increase in cost was \$38,405. She further explained the factors leading up to the cost discrepancy. She noted that the modification rate had increased which caused an increase. Mr. Nixon

further explained that the modification rate was based on the overall experience rate and not just Culpeper's Association group. Ms Farmer-Dumas stated due to the Fire and Rescue Association is made up of volunteer organizations it is an assigned risk group.

Following further discussion, Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker
Nays – None
Absent - Rosenberger
Motion carried 6 to 0

d) Recommend the Board approve a \$5,000 appropriation to the EMT classes to be held at Eastern View High School.

Mr. Nixon moved, Mr. Underwood seconded, to approve the Committee's recommendation.

Mr. Nixon noted the money would be used through the school system to help train future emergency service personnel. He noted the School was willing to participate and Mr. Green, the County's Training Coordinator, would be involved as well.

Ms. Bobbi Johnson, Superintendent of Schools, present in the audience noted that they were looking forward to establishing the program and recruiting students for the training. She stated the students would be able to receive credit, because the class would be considered an elective course.

Following further brief discussion, Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker
Nays – None
Absent – Rosenberger
Motion carried 6 to 0

(See Attachment 3 for details of the Committee meeting)

PUBLIC WORKS COMMITTEE REPORT- August 11, 2009

a) Recommend the Board hold a public hearing on September 1, 2009, at 7:00 p.m. to receive comments and consider conveying, by deed, a 20-acre parcel back to the prior owners, the Gyory family, who previously conveyed the property at no cost to the County for construction of a wastewater treatment facility. The property is no longer planned for such a facility or any other public use, and would revert to the Gyory family in 2020 if unused.

Mrs. Hansohn moved, Mr. Nixon seconded, to approve holding the public hearing as recommended.

Mr. Chase called for a voice vote.
Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker
Nays – None

Absent - Rosenberger
Motion carried 6 to 0

b) Recommend the Board consider reimbursing Rappahannock Rapidan Community Services Board a portion of their water availability fees for the Boxwood Recovery Center.

Mrs. Hansohn presented the recommendation and explained that the County purchased the water from the Town \$27,828 and the out-of-town rate would be \$37,104. The difference is what would be reimbursed.

Mrs. Hansohn moved, seconded by Mr. Aylor, to approve reimbursing Rappahannock Rapidan Community Services Board a portion of the water availability fees for the Boxwood Recovery Center.

Mr. Chase called for a voice vote.
Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker
Nays – None
Absent - Rosenberger
Motion carried 6 to 0

c) Recommend the Board set the sewer availability fee for the Culpeper Business Center at the established "out-of-town rate."

Mrs. Hansohn moved, Mr. Nixon seconded, approval of the recommendation from the Committee. Mrs. Hansohn requested that Mr. Howard provide a summary on the recommended fee.

Mr. Howard noted that the recommendation from Staff and Committee was that the fee be set at \$66,760 and that provides \$16,690 net revenue to County.

Mr. Nixon asked if this was 1 ½ times the in-town-rate and Mr. Howard stated yes.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker
Nays – None
Absent - Rosenberger
Motion carried 6 to 0

d) Recommend the Board approve the resolution to develop a Regional Water Supply Plan.

Mrs. Hansohn moved, Mr. Underwood seconded, approval of the Committee's recommendation.

Mrs. Hansohn explained that an independent plan would have to be completed by November 2009 and asked Mr. Howard to further discuss the background information.

Mr. Howard agreed that the State was mandating that a water supply plan be developed and it could be done independently or on a regional basis. By doing a regional plan with the Town of Culpeper the deadline was extended to November 2011. He noted the Town Council had considered the regional concept and had approved the same resolution and letter contained in the Board's packet.

Mr. Nixon questioned who would pay the costs. Mr. Howard noted the County and Town would share the costs. He not consultant costs would have to be determined, and Staff was trying to prepare as much of the plan in-house as possible. He noted once the scope of the work and determine how much consultant work may be needed, the costs would be provided to the Board to determine the cost sharing method.

Following a further brief discussion, Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None

Absent - Rosenberger

Motion carried 6 to 0

e) Update on Zenon Contract for the Green's Corner Wastewater Treatment Plant.

Mrs. Hansohn noted the Committee wanted an update provided to the Board so it would understand the status of the situation.

Mr. Howard stated Staff was still negotiating with Zenon on the back charges, liquidated damages, and the repairs to the tank lining in the wastewater treatment plant. He noted since the committee meeting representatives had come down from Canada to inspect the tanks. The County also had inspectors evaluate the tanks and was clear on the County's opinion of what needed to be done. Mr. Howard noted further negotiations would be started on the following day. He noted the County had retained \$179,800 of the contractor's money, which would cover the repairs and obligations to the tanks. He noted no further appropriation was required at this point.

Mr. Howard clarified that the Staff's position was to proceed with negotiations with the contractor to get the tanks repaired and the warranties reinstated and once this was achieved a portion of the outstanding fee could be added in.

Mrs. Hansohn asked if Mr. Howard felt comfortable the agreement would be reached. Mr. Howard stated he believed they would reach some type of an agreement less than \$179,800. He noted time was of the essence and they would be working with the contractor to try and resolve the issues.

Mr. Nixon briefly recalled how there were problems with the contractor not being able to deliver the packaged plant on time, etc. and now there were problems with the tanks not being coated properly. Mr. Howard noted he was correct in his recollection.

Mr. Nixon questioned why the County would be negotiating at all, since the contractor was in default. Mr. Howard stated they were trying to get the repairs done.

Mr. Thorpe advised that the issues had been significantly focused and currently the County and Zenon are much closer to an agreement on how to proceed with the repair work, get it done promptly, and agreement on the final payout. He noted there had been a lot of progress. Mr. Howard agreed.

Further discussion ensued with Mr. Howard noting hopefully the issue would be resolved within the next couple of weeks.

Mrs. Hansohn noted there was no required action since it was a status update.

(See Attachment 4 for details of the Committee meeting)

RULES COMMITTEE REPORT – August 11, 2009

a) Recommend the Board authorize a public hearing to consider a resolution requesting VDOT to restrict through traffic on Route 600 (York Road).

Mr. Walker moved, Mr. Nixon seconded, to approve the Committee's recommendation. Mr. Walker added that he was interested in hearing Mr. Chase's comments on this issue.

Mr. Chase noted that the road was not constructed to handle truck traffic; however, trucks were speeding through it. Therefore, the residents on the road had requested that signs be erected restricting truck traffic. He added that he supported the motion.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None

Absent - Rosenberger

Motion carried 6 to 0

b) Recommend the Board approve the 2009 Voluntary Contribution request form with the same five categories as VC2008: Animal Shelter Spay/Neuter Program; Library; DHS Children's Program; School's Capital Improvements; and Parks & Recreation Multi-Use Trails.

Mr. Walker moved, Mr. Nixon seconded, approval of the Committee's recommendation.

Mr. Chase asked how much money had been received by the entities through previous voluntary contributions. Mr. Walker noted all of the categories had met or exceeded the five per cent criteria.

Mr. DeJarnette in response to a question from Mr. Chase stated that it was his recommendation that the five categories remain the same as last year.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None
Absent - Rosenberger
Motion carried 6 to 0

c) Recommend the Board hold a public hearing on September 1, 2009 at 7:00 p.m. and consider granting tax exemptions to Brandy Station Foundation, Virginia Regional Transit, and National Capitol Squadron of the Commemorative Air Force.

Mr. Walker moved, Mr. Nixon seconded, to approve the Committee's recommendation.

Mr. Chase commented that the public hearing would actually be later than 7:00 p.m. since the public forum would be at 7:00 p.m. Mr. Nixon questioned if there had been enough notice given.

Mr. Thorpe noted it had been advertised and it was a 7:00 p.m. meeting and as long as it occurs during the meeting it was acceptable.

Mr. Thorpe reported that the Virginia Regional Transit and National Capitol Squadron of the Commemorative Air Force were straightforward applications. However, he would have to amend his recommendation as it pertained to the Brandy Station Foundation. He noted this was based on information received from the Commissioner of Revenue's office that a similar request made by the Civil War Preservation Trust had been denied by the Board in February, 2002. In that case, the Board of Supervisors had declined to grant tax exemption; however, the Board did grant a rezoning of the property so it could be put into land use and receive certain benefits. He explained that as a result of this information, he had sent a letter to Mr. Jones, Chairman, of the Brandy Station Foundation, advising him on August 19 that he (Mr. Thorpe) would have to amend his recommendation based on the Board's prior action. He noted that he had suggested that Mr. Jones be present at the public hearing that night so that he could address the Board on why he thought his organization should be handled differently than the prior application in 2002.

Mr. Chase stressed that both the organizations may be non-profit; however, they were very different in property ownerships, etc. and noted that the Brandy Station Foundation was totally run by volunteers.

Mr. Thorpe stated this might be sufficient reasons to show why one organization could be dealt with differently than the other. He said he simply wanted it on the record so whatever the Board decided to do it had clear rationale for the decision.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker
Nays – None
Absent - Rosenberger
Motion carried 6 to 0

d) Recommend the Board hold a public hearing on September 1, 2009 at 7:00 p.m. and consider establishing a tax class and tax rate for Motor Vehicles, 30 or more persons: \$1.00 per \$100.00 assessed valuation.

Mr. Walker moved, Mr. Nixon seconded, to approve the Committee's recommendation.

Mr. Nixon asked if proper notice was given for this as well. Mr. Walker stated that it was.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None

Absent - Rosenberger

Motion carried 6 to 0

(See Attachment 5 for details of the Committee meeting)

ECONOMIC DEVELOPMENT REPORT

Mr. Sachs highlighted his monthly report:

I. Economic Development Authority: The Culpeper County Economic Development Authority (EDA) held its organizational meeting on July 30, 2009. Prior to the meeting, appointees were sworn in by Clerk of the Court Janice Corbin. Documents, including the Industrial Development and Revenue Bond Act, Bylaws of Industrial Development Authority of Culpeper County, Financial Disclosure Statement, Responsibilities under the Virginia State & Local Government Conflict of Interest Act and the Virginia Freedom of Information Act were distributed to the members. The following officers were elected:

Chairperson – Laura Newman

Vice-Chairperson – Rick Furnival

Secretary – Tom Tichenor

Assistant Secretary – Stacey Brown

The next EDA meeting is scheduled for September 10, 2009. At that meeting, Bonnie France of McGuire Wood and Courtney Rogers of Davenport & Associates will make presentations regarding the roles and responsibilities of the EDA. The EDA is also expected to name a Treasurer, adopt bylaws and conduct other organizational activities.

Mr. Sachs pointed out for public record that the EDA was an independent body that operates under the Industrial Development and Revenue Bond Act-1966 as amended. He noted the Board of Supervisors has two primary roles: 1) appointment of members; and 2) any industrial revenue bonds issues approved by EDA would have to be approved by the Board of Supervisors. He noted the EDA was going to request that the County Attorney also serve as its attorney and that the Economic Development Director serve as staff advisor. Also, the minutes of the EDA would be provided to the Board as part of the Economic Development monthly report.

II. County Express: Ridership in June 2009 was reported as 514 and 496 for July 2009.

III. Small Business Development Center: Attached was the July 2009 report from the SBDC Culpeper Office that is now housed in the Department of Economic Development. Mr. Sachs added that on September 9, the Small Business Development Center with support from his office, the Chamber, Department of Tourism, and CRI, was holding a seminar on making 'Your Store and Main Street A Shopping Destination' and this would be held between 8 a.m. to 10:00 a.m. at the Depot.

Mr. Sachs distributed the brochure for the 2009 Farm Tour – October 3-4 and encouraged everyone to visit the farms.

ADMINISTRATOR'S REPORT

Mr. Bossio indicated there was nothing new to report.

CLOSED SESSION

Mr. Aylor moved, Mr. Underwood seconded, to enter into closed session, as permitted under the following *Virginia Code* Sections, for the following reasons:

1. Under *Virginia Code* § 2.2-3711(A)(1), to consider:

- (A) Appointments to the Library Board
- (B) Appointments to the Planning Commission
- (C) Appointment to the Public Transportation Board
- (D) Appointment to the Economic Development Authority of

Culpeper County, Virginia

Mr. Chase commented that he would vote in favor of the motion, because only personnel issues would be dealt with in closed session.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None

Absent - Rosenberger

Motion carried 6 to 0

The Board entered closed session at 12:27 p.m. and reconvened in open session at 12:34 p.m.

Mr. Chase polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Ayes - Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None Absent: Rosenberger

Mr. Aylor moved, Mr. Nixon seconded, that the Board approve the following appointments:

Library Board:

Dot L. Ferrero - 4-year term to begin 1-1-2010 and to expire on 12-31-2013.

Peggy Place - 4-year term to begin on 1-1-2010 and to expire on 12-31-2013

Deborah C. Hoffman - 4-year term to begin on 1-1-2010 and to expire on 12-31-2013

Public Transportation Board:

John Greenaway - 4-year term to begin immediately and to expire on 3-9-2013.

Economic Development Authority

John Greenaway - 1-year term to begin immediately and to expire on 12-31-2010.

Mr. Chase called for a voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Underwood, Walker

Nays – None

Absent - Rosenberger

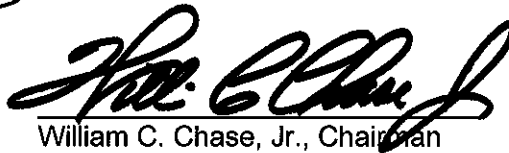
Motion carried 6 to 0

ADJOURNMENT

On motion by Mrs. Hansohn, the meeting adjourned at 12:37 p.m.



Donna B. Foster, MMC
Deputy Clerk


William C. Chase, Jr., Chairman

ATTEST:



Frank T. Bossio
Clerk to the Board

Approved: October 6, 2009

- ➔ Indicates Subject with recommendation
✓ Indicates recommendation forwarded

AD HOC ANIMAL SHELTER ADVISORY COMMITTEE

Tuesday, August 25, 2009

9:00 a.m.

Members Present: Bill Chase, Jamie Bennett, Mary Dale, Rose McKinney, Samantha Whitesides
Staff Present: Frank Bossio, Donna Foster, Terry Sargent
Press Present: None
Members Absent: None

CALL TO ORDER

Mr. Chase called the meeting to order at 9:00 a.m.

APPROVAL OF AGENDA

Mrs. Dale moved, seconded by Ms. McKinney, to approve the agenda as published. Ayes all.

UNFINISHED BUSINESS

a. Update re: Spay/Neuter Mobile Clinic Plan – Ms. McKinney advised the Committee that two mobile clinics had been held one on July 18 and another one in August and they were very successful. The next clinic is tentatively scheduled for September 3 with another date to be established since they were trying to hold at least two per month.

Ms. McKinney stated that Dr. Jacobson was excellent to work with and that she had also helped with ill cats. She believed that Dr. Jacobson was very rescue/shelter oriented. Mrs. Bennett agreed noting Dr. Jacobson appeared to be very knowledgeable on how to handle shelter animals. She recommended that the program continue and noted that Amberwood Veterinarian Hospital and the Virginia Spay and Neuter Center could not handle all of the Shelter's animals and it was a great asset having Dr. Jacobson offer her services.

Mr. Chase stated it was great to hear the program was proving to be a success and it should definitely be continued. The other members agreed.

b. Update re: Adoption Program – Ms. McKinney reported the program was going well and noted she would provide the actual statistics by email to be included in the record. She said that kittens were being adopted very rapidly and adult cats were also moving. She further reported they had four cages at the Manassas Pet Smart and would possibly get more and the cats were adopted fairly quickly from that store. Ms. McKinney stated that she and two other volunteers were doing weekend adoptions at Pet Smarts: Gainesville – adopted out four cats; Culpeper – adopted out one dog. She stated that with the shelter adoptions, adoption cages at the various Pet Smarts, and adoptions on weekends more cats were being provided homes.

Mrs. Dale complimented Ms. McKinney on the progress being made.

Mr. Chase advised the members of the audience that if they had questions to please feel free to ask them.

Karen Flynn, Vice President of the Humane Society, asked how many cats could be spayed/neutered on one clinic day. Ms. McKinney estimated at least 12 and if there were more cats to neuter than to spay then more procedures could be done. Ms. Flynn commented this should help with not having to euthanize the animals. Mrs. Bennett and Ms. McKinney agreed.

Mrs. Bennett noted that the Humane Society FOCAS was fostering a number of animals for the shelter and she would like to have them put a donation jar at the Shelter, since the two entities were working so closely together. Ms. McKinney thought this was a good idea.

Mr. Chase questioned the cost of one of the cages. Mrs. Bennett estimated that a three-tier cage would cost at least \$300.00. Mr. Chase suggested Mrs. Bennett check on requesting money from the County and she stated she would do that. A brief discussion ensued on cage sizes and the need for the cats to have playroom.

Mr. Chase stated he was disappointed that the press was not present to cover the discussion and get the information out to the public. He indicated he would try to speak with them prior to the next meeting to encourage their attendance.

Kemi Cole, Volunteer with the Humane Society, asked if it would be possible to put this type of information on the County's web site. Mrs. Bennett stated a monthly update could be provided to the County's IT Department for inclusion on the site. Ms. Cole also suggested Channel 21 should be contacted.

Ms. McKinney stated that the Humane Society was working with Channel 21 on doing some type of show and was currently working on the possible script content. She stated it may include tips on pet care, how to locate a lost pet, how to adopt a pet, etc. She stated the station manager had been most helpful.

c. Update re: Trap-Neuter-Return (TNR) Program: Ms. Whitesides stated it was important to build statistics relative to this program to determine how it was impacting the community. She suggested it would be good to have a three-year basis to provide a good analysis of the program.

Mrs. Bennett stated the numbers should be available for the past year and that she and Ms. Whiteside could commence exchanging information.

Ms. Whitesides stated that this was the second year for the program and she believed the residents were very appreciative. Mrs. Bennett noted that the Shelter provided quite a few citizens with information on the program and she would like for information to be kept on who referred the individuals when they take advantage of the service. This would help determine if those being referred by the Shelter were utilizing the services. Ms. Whitesides agreed this information could be collected.

Open House: Ms. McKinney reported that she and Ms. Whitesides had been discussing the idea of holding an open house at the Shelter. She stated the Shelter was a wonderful facility and this would be an opportunity to introduce the Shelter to those citizens who were not familiar with it. Some of the possible activities include: tours of the facility, special activities for the children, providing information on the Shelter and Animal Control Officer services, etc.

Mr. Chase asked if a date had been decided. Ms. Whitesides stated if it met with approval, she as an individual and on behalf of the Humane Society, would like to work with Mrs. Bennett on this. Mrs. Bennett stated she would love to work with the Society setting aside certain time and areas for the event.

Ms. Whitesides suggested the event be held in early November. Mrs. Bennett agreed it should still be good weather then and the hours of the Shelter could be changed or extend on a Saturday to accommodate the planned activities. A brief discussion ensued.

✓ **Mr. Chase stated the Committee did not have to take a formal vote since the members were in agreement; however, he would take the matter to the Board at the next meeting.**

Other Business: Ms. Whitesides informed the Committee that Culpeper Times was interested in developing an advertisement program similar to what some of the community papers were doing. It would involve getting a number of sponsors (possibly five) to promote the adoption of an animal and they would be credited with sponsoring the adoption. She recommended that Kathy Mauk be contacted for the information on how the advertisements would be handled.

Mrs. Bennett noted that Loretta Clatterbuck handled advertisements for the Department and she would get with her on this suggestion.

Mr. Chase added that usually when someone comes up with a good idea they are the ones put in charge of working on it. He thanked Ms. Whitesides for her assistance in pursuing this interest.

Adjournment: The Committee adjourned at 9:24 p.m.

- Indicates subject with recommendation
✓ Indicates recommendation forwarded

BUILDING & GROUNDS COMMITTEE
TUESDAY, AUGUST 11, 2009
8:00 a.m.

Members Present: Larry Aylor, Steven Walker, Steve Nixon
Staff Present: Frank Bossio, Roy Thorpe, John Egertson, Paul Howard, Carl Sachs,
Bob Orr, Barry Atchison
Others Present: Hamp Hall, Tom Underwood
Members Absent: None

Call to Order

Mr. Aylor, Chairman, called the meeting to order at 8:01 a.m.

Approval of Agenda

There were no changes to the agenda.

Unfinished Business

a. Discussion/Consideration regarding providing storage space for Full Circle Thrift in the basement of the Galbreath Marshall Building

Mr. Howard advised the Committee that Human Services was not able to obtain grant or stimulus money for renovation of the Galbreath Marshall basement. Since the space will not be used for classrooms it is being considered for storage space for Full Circle Thrift. Mr. Howard's department is currently soliciting prices for the installation of a sprinkler system and County staff will do some of the rudimentary work, such as installing lighting and emergency exits signs. He believes that the Committee had in the past approved using the space for this purpose but wanted to advise them that it was his intent to go ahead and use it again.

Mr. Nixon stated he thought that sprinklers were not required. Mr. Howard replied that they are if the space is used for storage based upon the use of the space above it, which is classroom area.

Mr. Walker mentioned that the former Salem Fire Hall building had been discussed in the Public Safety Committee meeting for possible utilization as a storage area. He thought that Full Circle Thrift may be interested in that space, and if they were able to invest some money there, it would provide more storage space for the entire County. Mr. Howard said he was aware of those discussions but was not certain of the current status. He stated the old Fire Hall would need some improvement before it could be used, and there is a mold and mildew problem and the roof would need to be fixed. Mr. Howard said that it is a very good steel framed building and certainly a lot larger than the space at the Galbreath Marshall Building.

Mr. Nixon added that the Public Safety Committee had approved moving it to the Board with a recommendation to enter in to a long term lease for a dollar a year just for storage purposes. The Sheriff and the County are also interested in using some of the space.

Mr. Walker asked what the estimated costs for renovations to the Galbreath Marshall Building are. Mr. Howard replied \$25,000. Mr. Walker stated that he thought he remembered an estimate of \$10,000 to \$15,000 to repair the roof at Salem. Mr. Howard stated he was not aware of an estimate for Salem but he thought \$15,000 was enough for the roof repairs and an additional \$30,000 to \$35,000 would be required to remove the mold and mildew. Mr. Nixon remarked that he thought the mold and mildew wasn't in the area that was going to be used for storage. Mr. Howard replied it appears to be in the insulation in the garage bays, the areas that have carpet and the drop ceiling throughout the building. Mr. Howard believes that all of those areas would need to be abated and then the heating and air conditioning would need to be kept running to keep the building dry and prevent a reoccurrence.

Mr. Aylor asked if it was the desire of the Committee to have staff look at the cost of renovations to both buildings and present the findings to the Committee.

Mr. Nixon moved, seconded by Mr. Walker, to have staff look at both the Galbreath Marshall building and former Salem Fire Department building to estimate and compare the repair costs of each building and present findings to the Committee. The motion passed with all Ayes.

b. Discussion/Consideration of modifications made by County Staff to the Bike Study

Mr. Egertson briefly discussed the history and evolution of the Bike Plan and explained that there had been a slight revision to what had been previously presented. He noted that a Summary of Changes page was included in the Committee package and then reviewed each of the changes that have been made.

Mr. Egertson stated if all previous issues and concerns had been adequately addressed, the recommendation was for the Committee to move the Bike Plan to the Board with a recommendation that it be adopted. A brief discussion of changes made, and the need to include proposed future road expansions ensued.

✓ **Mr. Walker moved, seconded by Mr. Nixon, to move the Bike Study to the Board, with the final revision to include planned bike routes on the Western Outer Loop and other portions of the loop around the town.** The motion carried with all Ayes.

c. Consideration of "Connect Virginia" Commuter Service (Scenic America, Inc.) Lease Renewal

Mr. Sachs recounted that in February 2009 the Board of Supervisors approved a pilot lease with Scenic America to use parking at the County Sports Complex for a commuter bus company that serves Culpeper and Warrenton for transport to Washington. The pilot program was designed to identify any issues that may arise from using the sports facility parking lot for that purpose. During the pilot period there did not appear to be any difficulties. Approximately eight vehicles were parked there on a daily basis, Monday through Friday. The only issue that has been identified is that the parking spot currently used is close to the football field. Mr. Barrett is concerned that during games it

will be difficult to get the Scenic America bus into and out of the parking area, so the assigned parking area needs to be relocated away from the football fields. Scenic America has agreed to do the snow plowing for customer access and parking. Mr. Sachs asks that the Committee recommend that the Board of Supervisors enter into a long term lease. He suggested a three year lease with three, three year renewals with the caveat that the exact parking space assignments will be coordinated with the Parks & Recreation Department, and Scenic America continue the snow plowing provisions.

Mr. Thorpe asked if the current agreement with Scenic America is in the form of a license agreement as opposed to a lease. Mr. Sachs confirmed it is a license agreement and Mr. Thorpe recommended that the County stay with that format.

Mr. Walker asked if this was a monetary agreement or not. Mr. Sachs replied that the County does not charge for this, because it is considered a commuter service that is beneficial to County residents. Mr. Walker questioned if there are problems, can the license be revoked. Mr. Sachs confirmed that it could be revoked and that any issues that arise would be addressed before renewal of the agreement.

Mr. Thorpe asked if Mr. Sachs had the license agreement with him. Mr. Sachs did not. Mr. Nixon asked how they could recommend approval of an agreement the Committee hasn't reviewed. A discussion of the terms of the agreement ensued.

Mr. Thorpe informed the Committee that he had contacted his assistant to make and deliver copies of the existing agreement. The Committee decided to move to the next agenda item and return to this issue after they had reviewed the existing agreement.

New Business

a. Discussion/Consideration regarding office space for Red Cross

Mr. Howard introduced Mr. Hamp Hall director of the Central Virginia Red Cross. Mr. Howard advised the Committee that in May the Red Cross ran out of grant money to lease the office space they previously occupied in the A.P. Hill Building. At this time Red Cross does not have an office in Culpeper and they are asking the Committee for any ideas or suggestions that would address their office space needs in the community. Mr. Howard explained that all they needed was one office that would be staffed with volunteers to respond to incidents in this community. Mr. Howard stated that there was space available in the basement of the Wachovia Building, but that space is primarily used for storage and flex space. The problem with that area is that the basement floor is not set up for public access and the Red Cross would prefer public access during normal working hours. Mr. Howard summarized that they would basically like to have one office, with public access and no rent.

Mr. Nixon asked if they were required to be downtown. Mr. Howard replied no, they are not required to be but it was preferable and they have difficulty staffing volunteers in remote areas.

A discussion followed of various locations including the Piedmont-Carver Center, the former Salem Fire Hall and the Galbreath Marshal Building. Mr. Howard stated that no action was expected at that time, this presentation was simply informational and an appeal for help.

Mr. Walker concluded that the Piedmont-Carver facility seemed to be the most logical place to occupy quickly on at least a temporary basis until other arrangements could be made.

Mr. Bossio suggested he and Mr. Hall meet after the Committee adjourned to discuss the eCivis Grant Writing Program and that he could arrange for Mr. Hall to receive training and access to the program.

Mr. Aylor advised that at this time the Committee would go back to Item C under Unfinished Business and take a few minutes to review the agreement.

Mr. Bossio recommended that a snow removal plan be added to the agreement, so that Scenic America would know where to put the snow when they plowed and acknowledge that they are liable for any damage.

Mr. Thorpe suggested that paragraph four be expanded to include a convenience of the government cancellation clause.

✓ ***Mr. Nixon moved and Mr. Walker seconded, to move the contract forward to the Board recommending renewal for a three year period, with a snow removal plan and a convenience of the government cancellation clause included.*** The Motion carried with all Ayes.

Adjournment

Committee adjourned 8:35 a.m.

- Indicates subject with recommendation
✓ Indicates recommendation forwarded

PUBLIC SAFETY COMMITTEE
Thursday, July 23, 2009
10:00 A.M.

Members Present: Steve Nixon, Bill Chase, Steve Walker (Alternate), Sheriff Jim Branch, Anthony Clatterbuck
Staff Present: Frank Bossio, Roy Thorpe, Valerie Lamb, Wayne Green, David DeJarnette, Denise Whetzel, Donna Foster, Barry Atchison
Press Present: None

Call to Order

Steve Nixon, Chairman, called the meeting to order at 10:01 a.m.

Approval of Agenda

Mr. Clatterbuck requested an addition to New Business regarding the tax exempt status of equipment purchased by the Fire and Rescue Departments as Item (c).

Mr. Chase moved, seconded by Sheriff Branch, to approve the agenda as amended.
Ayes all.

Unfinished Business

Consideration re: Culpeper County Fire and Rescue Association's request to lease space from Salem Volunteer Fire Department

Mr. Green reported that he had walked through the former Salem Fire Department facility, owned by the New Salem Baptist Church, along with Bob Orr and Danny Bartges from the County Building Department. He stated the building is 30 years old and in bad shape, the roof is leaking in several places and, the heating and air conditioning systems are not up to par. The electrical wiring needs work, especially where the new addition ties in, there are signs of rodent infestation, there is mold and mildew present and it needs to be painted. In Mr. Green's opinion it will take a lot of money to make these repairs. If the facility is used, as is, for storage no permits would be required until upgrades were begun for classroom space. If classrooms are added then the restroom facilities would also have to be upgraded and the drain field would have to be tested and if necessary upgraded. Mr. Green said that he had discussed all of these issues with Sheriff Branch.

Sheriff Branch added that he was aware of these issues and had also spoken to Mr. Clatterbuck and Mr. Orr about them. The current budget for the Sheriff's Office barely has enough money to make the repairs noted and there is no money for upgrades or repairs in the event a breakdown occurs, and with a 30 year old building that is likely. At this point the Sheriff's office is relooking at what they have now and seeing if they can work with that. As far as Sheriff Branch is concerned they are not going to move forward with this facility.

Mr. Nixon added that his thought had been that if the building was to be used for storage for the Sheriff's office the County could also use it as a training facility, thus saving the \$9,000 in rent to the Salem Fire Department for space in their new facility. But from what he has heard

today the facility may not be upgradeable enough nor at a cost that would make it desirable, so the committee may need fall revert to the original plan with Salem. He questioned if that is what was being recommended.

Mr. Green replied that his recommendation is to stick with the original agreement with Salem, to move into their new building and have the office and training there. Mr. Nixon asked if the \$9,000 in rent to Salem includes utilities and wi-fi connectivity. Mr. Green replied yes everything but telephone service was included and that would cost approximately \$70.00 per month.

Mr. Chase asked if the church owned the former fire department building, He stated that he knew that they had offered to donate it to the County to use for a dollar a year in rent but did they offer to give it to the County? Mr. Nixon replied that yes the church did own the building but he was not aware of an offer or suggestion for the church to give the building to the County.

Mr. Walker asked if the facility as it is would be suitable for storage because there are other storage needs in the County. Mr. Green replied yes and Mr. Clatterbuck acknowledged that it was his understanding that it would be appropriate for storage.

Mr. Chase commented that drain fields either fail or they don't fail and if they fail you know it. Mr. Nixon stated he thought the point was if you use it for classroom training then you have to increase the restroom facilities, and that increases the strain on the drain field. Mr. Green added it all depends on the size of the class room space and the increase in restroom size. An architect would have to determine the size of each, then the plans would have to be taken to the Health Department to see if the present drain field would be sufficient.

Mr. Nixon then asked if it was determined that it is not viable for a classroom space at this point and it does not meet the Sheriff's needs, would it be beneficial to lease it for a dollar a year just for storage purposes. Then who ever needed the storage could be given space. Mr. Clatterbuck commented that if it were just going to be used for storage it is highly unlikely that anything would need to be done to the drain field and it would withstand the normal usage of classroom and training. He advised that the County needs to determine where the roof is leaking before deciding on the storage issue. He also suggested that the County avoid turning on the heating and cooling systems if at all possible, because it's extremely expensive to operate. Mr. Clatterbuck said that he had seen a copy of the 2007 utility figures, which was the last full year that Salem Fire Department occupied the building, the electric bill was approximately \$10,000 and the heating bill was \$1,800. Mr. Clatterbuck felt the one benefit the Sheriff has, is the ability to take trustees to the site to clean up and make some of the repairs necessary. Sheriff Branch responded that while he can use trustees for that, he also has to have deputies there to guard them, so it's not necessarily less costly. The Sheriff's office also has to be careful with the liability aspect of what they expose an inmate to and what can be expected work wise. Inmates cannot do electrical work and specialized trades and deputies still have to be paid to be there to make sure the inmates stay there. Mr. Clatterbuck remarked that he would be very concerned about the trustees being exposed to the black mold that is developing.

Mr. Nixon stated that it still sounded to him like it may be a viable alternative for the County and the Sheriff's Office to use as a storage facility. If money became available at some point the facility could be improved up and used for something else. Mr. Nixon then said he would like to get the thoughts of the Committee to see if the other members want to enter into

an agreement for one dollar a year for a storage facility for the County. He asked if that was something that might be a viable alternative.

Mr. Walker remarked that he knows Full Circle Thrift has been trying to acquire some storage area for their surplus material. He felt they would be very interested in it and may even have the resources to fix the roof as well. Mr. Bossio asked would that then be a lease between Full Circle thrift.

Mr. Chase commented for a dollar a year, the County should pursue the lease but the issue of insurance should be considered. Mr. Nixon responded if the county leased it for a dollar per year, the County already has insurance with an umbrella policy that covers incidentals. So for a dollar per year the facility is available and the County can either use it or not, it's not going to cost any money so to him it seems worth while to move it to the Board and see what the Board thinks. Of course for the Committee it's just a recommendation, if the committee is willing to make a recommendation to that effect.

Mr. Walker moved, seconded by Mr. Chase, to recommend the Board enter into the lease and, explore the possibility of using the building for storage.

In discussion Mr. Chase commented that even though he seconded the motion he believes that the County should also see if the owner is willing to donate the building to the County. He indicated that it would make him feel a lot better about investing money into repairs of the building. Mr. Nixon remarked that the County can certainly ask.

✓ ***Mr. Walker then amended his motion, which was seconded by Mr. Chase, to recommend to the Board to enter into the lease, explore the possibility of using the facility for storage and inquire if the owners are willing to donate the building to the County.***

In discussion Mr. Clatterbuck stated he does not believe this is a Public Safety issue since the Association and the Sheriff do not want to proceed with this lease. He felt it is a separate general business item for the County. Mr. Nixon disagreed because he believes that the Sheriff does not want to take upon himself to make all of the repairs discussed but if the County made it available to use for storage he would be more than willing to use it. Sheriff Branch replied yes he would. Mr. Walker added that in addition to the Sheriff, Mr. Green and Full Circle Thrift could make use of the space.

Mr. Nixon stated we have a motion and a second is there any further discussion.

The motion was carried with all Ayes.

Note: See continued discussion of the proposed lease with the Salem Volunteer Fire Department on page 8.

Approval of Minutes.

Mr. Clatterbuck requested two corrections to the June 2009 minutes. The first, on page five, under New Business currently reads "Mr. Clatterbuck advised the committee that the association would be willing to work with the County to achieve central purchasing". Mr. Clatterbuck advised that comment was in response to Mr. Nixon's statement regarding the

Central Purchasing and should follow Mr. Nixon's statement, not precede it.

Second, two paragraphs below the previous correction the minutes read "Mr. Bossio felt the committee needed to review Mr. Clatterbuck's numbers". Mr. Clatterbuck advised that since he was speaking on behalf of the Association and relating their figures the minutes should read "the Association's numbers".

Mr. Clatterbuck moved to approve the minutes as amended, Sheriff Branch seconded. The motion was carried with all Ayes.

Report re: Culpeper County Volunteer Fire and Rescue Association's request for the creation of a fire levy

Mr. Clatterbuck discussed the Association's interest in moving this issue forward as quickly as possible. He stated he had sent an email to the Association members recently to get feed back about bulk purchases and equipment standardization. Some of the feed back indicates that there is a lot of apprehension about standardizing equipment because the Company's are concerned they will lose their individuality. There is also some concern whether at this step standardization, or more so the bulk purchasing step, is necessary in order to create this levy. He stated that they are already using extreme diligence just stay alive and have the money needed for expenses. He cited the belief is the County needs to move forward with this levy to get it in place. The Association has provided numbers and can provide them again, if necessary but it is obvious that the various departments' ability to raise money will not give them the resources we need in the coming years to purchase the equipment and get the job done.

Mr. Clatterbuck continued that the consensus of Fire and Rescue Association is that it is their responsibility to get on the trucks, get in the ambulances, and answer the calls, but they need assistance through this levy to have the ability to get the material they need to do so. They also feel that their equipment is not redundant or overlaps more than is necessary.

Mr. Clatterbuck expressed that he knows how difficult it is for the County in the current budget environment and how difficult something like this is to consider. He noted that the levy was enabled by an ordinance passed several years ago and he felt financial needs are at the point that the County needs to move forward. He asserted that he believes the budget is no longer adequate, and is frozen at a level that doesn't cover all of the operating expenses. He advised that the funding is at a level where one of the companies will always be in trouble in one way or another. There are not enough volunteers for administration or fundraising and people are not spending money at fund raising events.

Mr. Clatterbuck advised that the association wants to cooperate with what ever methods are needed to go forward with the levy. The Fire and Rescue Company's are already very frugal, they have all cut their budgets to survive with the current level of funding but it still doesn't cover the expenses. He concluded by saying that the Association really wanted the levy in place for FY10 so they feel it is urgent that the Committee work very diligently to have it in place by the next Fiscal Year.

Mr. Nixon commented that he felt the Association was assuming that a dedicated tax levy is going to solve all of its issues. He stated that it is not going to be a panacea of money to cover all of the Association's expenses. Mr. Nixon explained if it is tied to a set rate that's

dedicated to the Fire and Rescue Association, and the per penny evaluation goes down the Association is going to lose money not gain. Then the Association is going to come back and ask the Board to provide additional money to make up the difference. Mr. Nixon felt that if there is a dedicated levy the board would be reluctant to provide additional funding.

Mr. Chase questioned how the current budget was determined, if it was based on last year's expenses. Ms. Lamb explained that for FY10 the Fire and Rescue Association is receiving what was budgeted for FY09 plus the supplemental funding added by the Board in FY09, which was an additional \$146,901. Mr. Chase questioned if they had received more than their operating expenses last year. Ms. Lamb replied she did not think so because Mr. Clatterbuck, Mr. Bossio and she had reviewed the actual operating expenses of each of the departments and she doesn't believe the more than \$800,000 in their FY10 budget is covering all of their operating expenses.

Mr. Nixon explained that last year the Board agreed to flat fund the Association and they thought that meant they were going to get what they requested, what the Board meant was that they were going to get what they received the previous year. The Association came back and said they thought they were getting what they requested and that's why the County made the adjustment of \$146,901 for FY09.

Mr. Bossio emphasized that the County had the flexibility to make the adjustment which was the point just discussed. If you have a levy that's all you get you can't come back and ask for additional money, so in this case it was advantageous not to have the levy.

Mr. Chase asked, for clarification, that only operational expenditures were considered and not capital funding.

Mr. Nixon replied that the Association members are allowed to use any excess for capital funding, which has been done in the past. The County dedicated or set aside a four cent tax rate for the Association if that rate goes up, there is extra money over and above their expenses that the Association has been getting. The County, in the past has taken that money and divided it among the departments and they can use it for operational costs or capital improvements; they have primarily chosen to use it for operational costs.

Ms. Lamb advised those present that the four cents of the current tax rate goes to offset the Fire and Rescue Association plus EMS as well. Both budgets are factored into it.

Mr. DeJarnette and Ms. Lamb discussed the administration and collection of the four cent tax and the determination that it is an appropriation versus a specific levy. Mr. DeJarnette explained that the Board approves a specific tax rate each year then appropriates a portion of the tax rate for Fire and Rescue.

Mr. Bossio felt there are two things the committee needed to consider: 1) first are the figures for the 15 or 20 year equipment replacement cycle and the cost, compared with the cost if the County were doing paid services, so that the committee can be educated on what the real costs are. 2) If standardization with regards to procurement can save money. If the taxpayers knows that every piece of equipment that responds is fairly similar other than markings or similar nuances that is raises the comfort level in going forward with the tax levy. Mr. Bossio continued that his experience with the Fire and Rescue Association has been that they scrutinize every penny and do a masterful job at it. But going forward, in order to do a tax levy,

the Committee and the Association need a clear path to show citizens exactly the way the money is being spent. That every effort as far as procurement is being standardized to the extent it can be and equipment is being standardized and that we are doing the very best that we can to optimize all of the assets of Culpeper County for Fire and Rescue. He thought those actions would make a more significant case.

Mr. Clatterbuck declared that the Association understands that a fire levy will not be a panacea and an endless flow of money. The Association has always been extremely good stewards of taxpayer money. In the past, it only collected the data necessary to justify the amount of money the County was providing. That was falling so far behind what it was truly costing to operate the departments that the Association changed the methodology by which it collected data. Instead of just turning in enough receipts that met the budget guidelines to justify last years funding and complying with the agreement it had for a five percent increase each year, the Association members began to turn in all of the receipts for what it really cost them to operate and then based the next request on what those receipts represented so that the County would know this is what it cost the companies to operate and this is what the Association needs, how much can you give it. Some of this happening is where the need for more money came about. The Association's funding was \$679,000 when it was flat funded and misunderstood the equation, the \$822,000 was based on hard numbers they had and they are continuing to collect data so they are getting a clearer picture every year. The \$822,000 still only represents a percentage of the expenditures the companies had. For some of the companies it was pretty close, for others it was way off. For example Company 11 spent six months not running calls in the coming year, they are going to face shortfall because they will have a full year of running calls based on a past half year of expenses. Company 1's annual distribution from the County is half of what they spend for the operating budget, they do get some money from the Town plus they got Company 11's money that helps them but even with that they still fall short in just operating expenses. The maintenance of the buildings should be part of what the companies are reimbursed for. How can the County expect the volunteer fire departments to continue to fund capital expenses when such a large portion of what they raise to go towards just being able to function and survive. There is value to standardization but the companies need the level of funding that puts the standardized unit out there.

Mr. Walker stated that over the last year there has been discussion of possible voluntary auditing of the companies. He thinks the auditing process is very critical to actually creating a tax levy that all of the companies participate in, so that there is a financial trail in place to track taxpayer funds. Since he is an alternate on this committee he felt he may have lost track of the auditing discussion, and asked if there had there been any further discussion. Mr. Nixon replied that there had been further conversation and several, but not all departments have agreed to it. Mr. Walker believed that having an audit procedure would be a critical step to creating a levy, so that everyone is knowledgeable of how taxpayer money is being spent and if equipment needs to be moved from one company to another once it becomes under a levy. He noted Ms. Lamb previously mentioned that EMS currently receives a portion of the four cents under the current appropriation system, he was curious if the Association has thought about how EMS will fit into the levy process.

Mr. Nixon commented on the potential benefits to the Association by standardizing facilities, training, equipment, operating procedures and audits.

A discussion of what funding is subject to audits followed. Mr. Thorpe stated that legally all public funds are subject to audits but funds gained through donations or funding raising

efforts are not subject to audits. Mr. Clatterbuck concurred that the public funds are subject to audits and added that the departments do have receipts and other documentation on file and are prepared for an audit when and if necessary. Mr. Clatterbuck related that it was the Association's position that it does not and will not want to pay for the audits, because they are expensive and the companies do not have the budget for it.

Mr. Nixon thought the Committee and the Association need to continue to work on this item. He pointed out that Mr. Bossio has outlined a plan, the Committee needs to continue to collect information, try to reach a consensus and then move it forward. Mr. Nixon concluded that obviously it is not going to happen this year, but having something by 2011 is a possibility.

Mr. Clatterbuck addressed Mr. Walker's comments on moving equipment between departments. He felt since the equipment individually owned by each department trying to move equipment would create a separate issue. Mr. Walker clarified that he was referring to equipment purchased with taxpayer money received through the tax levy.

Mr. Nixon announced that the committee needed to bring this item to a close and move on to item C.

Training Report – Wayne Green

Mr. Green distributed a summary sheet to the Committee members entitled FY 10 Training, a copy of which is attached and presented the following training report.

- Training conducted for 386 Firefighters and EMT in 2008.
- Two classes were cancelled last year due to low registration, National Incident Management System 300 & 400 and Vehicle Extrication.
- For FY10 the annual prioritized top 10 training class was submitted April/May timeframe to the Virginia Department of Fire Programs. Normally on the top two or three funded or partially funded by the State the remaining will be funded locally.
- Projects for FY 10 develop a EMT instructor list, work with the County Risk Management office to ensure we have the proper liability insurance for instructors, develop a training record data base, work on a training site for Firefighter practical exercises and, maintain the Personnel Accountability System.

Mr. Nixon commented that the committee wanted to make sure that everyone that should be trained was properly trained and certified and that it was documented and recorded properly. Mr. Green replied all training conducted by the Association is recorded and the documentation is kept in his office under lock and key. Additionally each department keeps records on the training received by its individual members and whether it is received locally or outside of the County. All classes and training are certified by the appropriate agency. Mr. Nixon emphasized that the County should not be paying anybody else for training that can be done by it's own instructors locally. A general discussion of training requirements and local limitations concluded the presentation.

Consideration of Basic EMT Training Classes at Eastern View High School

Mr. Bossio spoke on behalf of Mr. Miller from Eastern View High School who was unable to attend. Mr. Bossio stated that he and Mr. Miller had been in discussion for several months about creating a program to help the Volunteer Fire and Rescue Associations to gain new members. Mr. Miller wants to start an August registration for Basic EMT classes at Eastern View High School, which could be done in one or two blocks. This would provide basic EMT training and encourage students to become volunteers. When they get to a given level of training the school would allow the students to be released from class early to work at the Fire and Rescue departments as volunteers to gain hands on experience and receive follow on training. The idea is to increase the number of volunteers in the county through this program. The estimated cost for one block is approximately \$5,000 and Mr. Miller has asked if the County would be willing to contribute \$5000 if the Committee feels this is a good idea.

Mr. Nixon asked if a student is trying to gain Firefighter or EMT certification couldn't they pay some amount toward that class. Mr. Bossio responded that he thought that the students do pay part of the fee but it is considered a cost sharing class.

✓ ***Mr. Chase moved, seconded by Sheriff Branch, to forward to the Board of Supervisors a recommendation for approval of a \$5000 contribution to the EMT class to be held at Eastern View High School.***

In discussion Mr. Clatterbuck stated the Association fully supported this program and felt that it may generate volunteers or candidates for the career staff.

The motion was carried with all ayes

** Mr. Nixon noted that the committee needed to return to Item A, because the issue of the lease with Salem Fire Department not been resolved. A discussion of the terms of the lease of office and training space followed.

Mr. Clatterbuck moved to forward a recommendation to the Board of Supervisors to move forward expeditiously as possible with a mutually agreeable lease agreement with Salem Fire Department for at least a two year period at the \$750 rate with the terms to be negotiated prior to the next Board of Supervisors meeting.

After continued discussion of the terms and options of the lease Mr. Thorpe was tasked to negotiate and prepare the lease for the next Board of Supervisors meeting.

✓ ***Mr. Clatterbuck amended his motion, seconded by Mr. Walker, for an annual lease with a CPI index renewable each year for five years.***

The motion was carried with all ayes.

**Consideration of Culpeper County Fire and Rescue Association's request re:
Workers Compensation Increase**

Mr. Green presented information on the cost increase in Workers Compensation for

FY09 was the first year of Workers Compensation for the volunteer system. The cost for 288 active first responders with an experience modification factor of 1.0% was \$53,967. This years cost increase is due to two factors. First there was a membership increase of between 25-50 active volunteers, and second due to an experience modification factor increase to 1.42% due to \$53,431 in claims the first year. As a result FY10 Worker Compensation costs increased to \$111,661. Mr. Green then reviewed the types of injuries claims were submitted for. He stated the biggest reason for the cost increase was the change to the experience modification factor.

Mr. Chase asked if Mr. Green had the accident report for all of the claims submitted and if they were available for the Committee to review. Mr. Green replied yes he has them under lock and key in his office, but because of HEPA regulations they can only be released to authorized personnel involved in the accident investigation. Mr. Chase expressed concern about incidents of heat exhaustion and Mr. Green described the events that led to the claims.

Mr. Nixon commented that the Fire and Rescue Association needs to work on defining what is active duty and non-active duty because if there are more people on active duty that increases the County's exposure. He stated, not all injuries have to go to Workers Comp some things can go directly to a clinic and be taken care of. Even though you have to note that there's been an accident you don't have to make a claim through Workers Comp so that would reduce the claims ratio, none of the incidents that occurred may qualify for that but it's something to consider. He suggested standardized procedures and training may prevent accidents in the future and if there was a procedure/training document it could be presented to the Workers Compensation Company and possibly reduce the County's mod rate. Have any or all of those been taken into account.

Mr. Green stated that he wasn't sure and would have to look at it along with the Risk Management Director. A discussion of how the mod rate is determined ensued.

Mr. Walker asked if the Committee needs to recommend the Board modify the appropriations for this increase. Mr. Nixon replied that a motion recommending approval of a supplemental appropriation of \$56,000 for Workers Compensation payments was needed.

✓ **Mr. Clatterbuck moved, seconded by Sheriff Branch, to recommend to the Board of Supervisors to approve a supplemental appropriation to match the amount necessary to meet the Workers Compensation requirement for the Fire and Rescue Association.**

Mr. Walker asked Ms. Lamb where the supplemental funds would come from. Ms. Lamb advised they would come from the General Fund. Mr. Walker commented if the County were in a levy situation the supplement would come out of the levy, so this is a supplement from the general fund that is being subsidized by the general taxpayer beyond the four cent appropriation. Ms. Lamb answered yes.

The motion carried with all Ayes.

Discussion of Tax Exempt Status of Purchased Equipment for the Fire and Rescue Departments

Mr. Thorpe advised that under section 12-200 of the County Code all requests for funding benefits or any support provided by the County shall come through the Association not from the individual companies. Mr. Thorpe inquired if this item would be more appropriately

addressed by the Rules Committee which is scheduled to meet on August 11, and already has an item on their agenda to review applications for Tax Exempt Property.

Mr. Nixon noted Mr. Thorpe's recommendation but thought that the Committee should hear the information before deciding what action to take.

Mr. Clatterbuck stated that the Association is requesting that the Committee recommend to the Board of Supervisors a blanket exemption for Fire Department owned buildings and personal property. It is an incredible waste of time to submit an application for every piece of land and equipment being used for firefighting purposes and are owned by the fire departments. In some cases it takes up to twelve months to process an application.

Mr. Thorpe asserted that he agrees with Mr. Clatterbuck however this is the wrong Committee to address this issue. Mr. Nixon agreed that the Rules Committee was the appropriate authority to address this issue. Mr. Walker stated that he would ensure it was added to the Rules Committee agenda.

Other Business

There was no Other Business

Adjournment

- ➔ Indicates subject with recommendation
✓ Indicates recommendation forwarded

PUBLIC WORKS COMMITTEE
Wednesday, August 11, 2009
1:30 p.m.

Members Present: Sue Hansohn, Larry Aylor, Tom Underwood
Staff Present: Frank Bossio, Paul Howard, John Egertson, Donna Foster, Barry Atchison
Others Present: None
Members Absent: None

Call to Order

Mrs. Hansohn, Chairman, called the meeting to order at 1:30 p.m.

Approval of Agenda

Mr. Aylor moved, Mr. Underwood seconded, approval of the agenda as presented.

New Business

➔ a. **Consideration of transfer of twenty (20) acre parcel to Charles K. Gyory and Peter G. Gyory**

Mr. Egertson discussed the background on how the Gyory family had conveyed the property to the County with a clause included that it would revert to them if no wastewater facility had been constructed on it within 20 years (2020). He noted the family had requested that the property be returned to them so that they may plan for their total land holdings. Mr. Egertson stated the request was made with the knowledge that the County no longer had plans to construct a wastewater facility at this site.

Mr. Egertson stated that Mr. Thorpe had prepared a deed to transfer the property back to the Gyorys. He stated staff was requesting permission to advertise this matter for public hearing in September.

Mr. Underwood noted he had no objection to advertising the public hearing. He pointed out that the reversion was being requested with only nine years of the 20-year agreement having expired and that the County's plans had changed several times and were still uncertain at this point. Mr. Underwood stressed there was still a two-year window of uncertainty and the County needed to be sure the property would not be needed. He said he did not want to inconvenience the Gyorys, but he did want to make sure it made sense from the County's perspective.

- ✓ **Mr. Underwood moved to advertise for a public hearing to be held at the September regular Board meeting. Mr. Aylor seconded the motion.**

Mrs. Hansohn stated the County had a site on Mountain Run and asked if that would be a good location if the Airpark expands and if Mr. Gyory decides to develop his property.

Mr. Egertson stated the Gyory family had 10 acres proffered to meet future expansion needs for the Airpark. In terms of building a larger regional facility, he believed the County is committed to the Mountain Run regional plant plan.

Mrs. Hansohn asked if the 10 acres proffered would handle everything except a really dense commercial development. Mr. Egertson believed this would handle the expansion of the Airpark and the current zoning for the Willow Run property. Mr. Howard agreed with Mr. Egertson's comments.

Mr. Underwood stated he was not totally confident that a majority of the Board members were in agreement with the plan, because there had been discussion on developing smaller plants, etc. He believed the plans would be much more formalized in about 12 months because negotiations were being conducted with the Town. He agreed that it made sense to return the property to the Gyorys, but there should be some certainty that everyone understood what was happening.

Mr. Bossio agreed it was important to look at the options, but the real key was that the County does have enough property to expand on for the intended use of that area, so it made sense to grant the property back. Discussion ensued.

Mr. Howard noted the current permit for the Airpark property was for up to 300,000 gallons per day so it could be expanded to take care of any need at the Airpark area. Further, the plan was to serve the future, by-right development of the Mount Dumping site and this would be handled with a facility on the Brandy Station site.

The motion carried with all Ayes.

→b. Consideration of Boxwood water tap fee

Mr. Howard provided the background on how Rappahannock Rapidan Community Services Board was constructing the 32-bed Boxwood Recovery Center on Guinn Lane. The County will provide public water service to the facility under the Amended 2003 Water and Sewer Agreement between the Town and County. The facility requires a 2-inch water meter. The County will purchase the water capacity to serve the facility from the Town under the referenced amendment for \$27,828, and retail it to Rappahannock Rapidan Community Services Board (RRCSB) for \$37,104. RRCSB is requesting that the County sell them the water capacity at the "In-town" rate for \$27,828. The facility will use a mass drain field and septic system for wastewater disposal.

✓ **Mr. Underwood moved, Mr. Aylor seconded, to recommend the request to the Board. The motion carried with all Ayes.**

→c. Consideration of Culpeper Business Center sewer tap fee

Mr. Howard presented the summary information noting the Town of Culpeper provides water service to the Culpeper Business Center. Sewer service was formerly provided with an onsite drain field that has to be demolished to accommodate the proposed Hampton Inn. The developer of the adjacent Hampton Inn project extended a sewer line under route 29 bypass to serve both properties. The sewer line is owned and operated by the County of Culpeper outside the Town Corporate Limits.

The County of Culpeper will provide public sewer service to the facility under the Amended 2003 Water and Sewer Agreement between the Town and County of Culpeper. The availability fee schedule adopted by the Board of Supervisors requires the Board to negotiate an availability fee for any meter size over two (2.0)-inches. The Culpeper Business Center has a three (3)-inch water meter. The County will purchase the sewer capacity from the Town of Culpeper for the corresponding 3-inch meter for \$50,070 and staff recommends selling it to Culpeper Business Center at the established "out-of-town rate" of \$66,760.

✓ **Mr. Aylor moved, Mr. Underwood seconded, to approve the sewer tap fee for Culpeper Business Center as presented. The motion carried with all Ayes.**

→d. Consideration of Water Supply Plan

Mr. Howard presented the summary information noting the Virginia General Assembly mandated the development of local and regional water supply plans throughout the Commonwealth. He noted at the time of the mandate the Town and County had opted to develop separate plans; however, after recent discussions this had changed and a regional plan was being considered. The County is required to submit a Water supply Plan to the Virginia Department of Environmental Quality by November 2009, unless it prepares a regional plan with the Town of Culpeper. The focus of any regional plan would be limited to the Town Environs, and the County would still be responsible for the balance of the County. Mr. Howard noted he had provided a copy of the regulations outlining the requirements for the water supply plan.

Mr. Howard's summary further explained that local governments may elect to join one or more other local governments to develop a regional water supply plan for which a deadline of November 2, 2011 has been established. Staff believes that joining with the Town of Culpeper and completing one regional water supply plan will be less costly and more useful than completing separate water supply plans. Additionally, by joining with the Town the deadline will be extended by two years which will allow time for both the Town and County to determine if a regional water system will be developed. If a regional water system is developed, the water supply plan may be different from a plan developed for two independent systems. Regardless of whether or not a regional water system is developed, a regional water supply plan is recommended.

The Town of Culpeper and Culpeper County missed the 9VAC 25-780 regulatory deadline of November 2, 2008 for this notification of intent to plan as a region. Despite missing this deadline, recent discussions with DEQ has indicated that they will accept our petition to comply with this regulation as a region. The attached resolution and letter of intent is required for DEQ to consider this request.

Mr. Howard noted the same proposal was had been presented to the Town's committee and was on that night's Town Council agenda for approval. He stated the County staff supports it and is recommending it be forwarded to the Board's September meeting. If the Board approves, the deadline for having the regional water supply plan completed would be postponed until 2011. Once the plan has been submitted and approved by DEQ it will be updated every five years and rewritten every 10 years.

✓ **Mr. Underwood moved, Mr. Aylor seconded, to recommend the resolution to develop a regional water supply plan to the Board.**

Mrs. Hansohn asked if the Town understood the summary details as Mr. Howard had presented. Mr. Howard stated his discussion had been with Mr. Hively who he understood had presented the same information to the Town Council.

Mrs. Hansohn asked if there was a down side to this. Mr. Howard stated in his opinion there was no down side to regionalizing. He briefly discussed his thoughts on why it would be beneficial.

Mr. Aylor believed getting the message out that the County was trying to work with the Town would be good.

The motion carried with all Ayes.

e. Update on the Zenon contract for the Green's Corner waste water treatment plant

Mr. Howard presented an update on the status of the Zenon (General Electric) contract on providing the package treatment plant for the new high school. He noted the RFP for the plant was issued in 2006 and under that contract the County was suppose to receive a fully assembled and factory tested wastewater treatment plant delivered on December, 2007. He noted after getting into the project, Zenon could not comply with delivering a fully assembled and tested plant. The plant was delivered in pieces and as a result there were some back charges on the work that the County had to do that wasn't completed by Zenon. The back charges amounted to \$82,392 on the County's part. To date, Zenon has accepted \$48,165 and was disputing just over \$34,000 of the charges.

He reemphasized how the plant was promised in 2007 and that deadline was extended until May of 2008, but the company missed that date as well. After missing the second date, there were liquidated damages assessed at \$78,200. He noted the County operated the plant for a year and there were some problems with the influent screen coming into the plant that allowed trash to get over into the plant and into the membranes. This summer, staff pumped down the plant to clean the membranes and also look at the tanks. It was discovered that there is also a problem with the tank

linings. Mr. Howard said Zenon has patched the linings, but he believed by this time next summer the linings will be compromised and continued rusting of the tanks would occur.

He stated the County had been trying to reach a settlement with Zenon and they may be reaching the point of impasse, but they had to take some actions on cleaning the membranes and getting the plant back on line. He related that Zenon had proposed to clean the membranes and reinstate a limited warranty on them and to patch and repair the tanks next summer. Mr. Howard stated the tanks at the Airpark had been in for 20 years and did not have rust or failures of the coatings.

Mr. Bossio remarked that the company that had installed the tanks had said they had argued with Zenon on the tank coating, because they were applying something different from what had been recommended. Mr. Howard stated Smith Tanks provided the tanks and coatings and its representatives had come out this summer and looked at the tanks. The president of the company stated it was the wrong type coating. Mr. Howard estimated that it would take about \$80,000 to sand blast the tank interiors and recoat them.

Mr. Underwood said during the down time of the tanks being recoated, the County would have to pump and haul. Mr. Howard agreed noting it was about \$200.00 per day to have this service performed. Mr. Underwood said it was important to have the accounting correct relative to the costs involved with having received a faulty product.

Mr. Aylor said he was not comfortable with the offer of a limited warranty. He questioned what the normal life expectancy and warranty should be. Mr. Howard stated there was a limited warranty on the coating and he thought it was 10 years; however, the tanks usually last at least 20 years before they are recoated.

Mr. Aylor's thought was once the company got the repairs performed then the ten year warranty should start. Mr. Howard said evidence of failure was noted before the tanks were used and that was why the company was asked to come in this summer.

Mr. Howard said the membranes were under a ten year, reclining warranty and it was staff's opinion that the trash in the membranes was a result of the faulty design on the screen coming into the plant

Mr. Thorpe advised there were other complicating factors and one was not being able to negotiate a settlement so the plant could be up and running by the opening of the school. He explained the situation relative to liquidated damages and how he believed the County had a strong argument for about \$70,000 in liquidated damages. Because there was a dispute over the cleaning of the membranes and the company offering to perform the service at an expense of about \$20,000, the County hired someone to do the work. While the repair work was being done, one of the screens was damaged and Zenon is claiming that the County has violated the warranty. Mr. Thorpe stated during the negotiation, the County had offered to waive the claim for liquidated damages if Zenon would reinstate all warranties and do all the work necessary under the warranties to make the plant operational. Unfortunately, they have been slow to respond to the County and time is running out. Even if an agreement is reached, there would still be a need to pump and haul during the repair phase.

He said that Zenon wanted to just touch things up and have the County pay the final installment on the contract and see what happens within a year. The County wants the system repaired as recommended by Smith Tank Company, who were the experts, and also Zenon's subcontractor. Mr. Thorpe stated it seemed ludicrous that Zenon will not listen to the Company they hired. He believed the County was confronted with the prospect of either trying to continue to work something out or say it is going to go it alone and put the company on notice that if the County incurs damages it will sue. He noted the County is holding roughly \$135,000 and he would not recommend that be paid unless the work has been performed completely or if they refuse to come to terms the County would give them notice that they have failed to cure the problem and the County was going to go elsewhere and would keep the \$35,000 and expend it towards the repairs and if it costs more the County would then bill Zenon with the difference. He stated this could result in the County having to go to court.

Mr. Underwood said it sounded like a good plan to him, but he also suggested that the public be informed that General Electric is shoddy. Mr. Thorpe pointed out that the issues were being discussed in open session. Mr. Underwood believed it needed to be broadcasted further than just to the public in the audience.

Mr. Thorpe stated with the concurrence of the committee he planned to let General Electric/Zenon know they needed to fix the plant and not just "band aid" the problems or the County would be holding the money and using it toward the repairs.

Mr. Aylor asked if the County had to handle the repairs on its own, could other tanks be brought in and used and what would the cost be to get up and running to avoid having to inconvenience the school. Mr. Howard stated the County could either pay to have the tanks done this summer or put the plant back on line and do it next summer. He believed now was the time to do it since the tanks were empty.

Mrs. Hansohn questioned the time involved. Mr. Howard estimated it was a four to five week job, but one tank could probably be back on line in three to four weeks.

Mr. Underwood remarked that with the time issue for the school, it may be a case where the tanks will have to be refilled and repaired next year and the extra \$10,000 cost would have to be added to the bill to Zenon.

Mr. Aylor asked how the manufacturer of the tank stood on the tank issue. Mr. Thorpe and Mr. Howard clarified that Smith Tank was the manufacturer and they have been communicating their opinion on what needs to be done and the County agrees with them. If the County ends up in court it will call Smith Tank as a witness.

Mr. Thorpe suggested, provided the Committee had no objections, that Staff call Zenon that afternoon and let them know that the County is going public with the problems and the committee is dissatisfied that the problems have not been corrected; and either the company make it right or the County will have to go its own way and hold the company responsible.

Mr. Aylor said he could certainly support that. Mr. Underwood agreed. Mrs. Hansohn pointed out that all the Committee could do was provide its support and she appreciated the update.

Mr. Thorpe recommended that this matter be listed as a Board agenda item in September.

✓ **The Committee agreed that it should be listed on the Board agenda as a Public Works update.**

Adjournment

The Committee adjourned at 2:00 pm.

Pending Item:

- Acquisition of real estate within Culpeper County for the construction of public utilities.

- ➔ Indicates subject with recommendation
✓ Indicates recommendation forwarded

RULES COMMITTEE MEETING
Tuesday, August 11, 2009 - 9:00 a.m.

Members Present: Steve Walker, Steve Nixon, Tom Underwood
Staff Present: Frank Bossio, Roy Thorpe, John Egertson, Donna Foster, Carl Sachs, Sandy Lemley,
Paul Howard, Kim Brown, Alan Culpeper, David DeJarnette
Others Present: Anthony Clatterbuck and Gary Jones (part of the meeting)
Members Absent: None

CALL TO ORDER

Mr. Walker called the meeting to order at 9:03 a.m.

AGENDA -- Approval of Agenda

Mr. Underwood moved, Mr. Nixon seconded, to approve the agenda as published.

Unfinished Business

a. Discussion regarding the provisions of Chapter 14, Section 14-42 of the Culpeper County Code, regarding prohibition of individual, on-lot wells in certain locations

Mr. Egertson reminded everyone that this issue had been discussed for some time. He said there had been some concern about issues pertaining to the Glendale subdivision and there had been a lengthy discussion about the current Chapter 14 regulations that prohibit the dwelling of individual wells in the communities where there is a community water system new than October 5, 2004. He stated there are three in the County and Glendale is one of those. He believed that after a lot of discussion the conclusion was that the County probably would not want to change the ordinance regarding the drilling of individual wells. Then the discussion shifted towards determining if the County could do anything to regulate the system owners and control the fees charged. Mr. Egertson noted that question was handed over to Mr. Thorpe.

Mr. Thorpe stated the last time the Committee discussed the issue, he was thinking that the Board could not regulate the rates or service of a private water system, because the State Corporation Commission (SCC) had that authority. However, in reading the applicable State Code sections and Attorney General opinion, it appeared the SCC has regulatory authority over private systems that have 50 or more connections. Private systems, with fewer than that number, are still under the jurisdiction of the Health Department for water quality issues, but the various users could if necessary petition the Circuit Court for a review to see if the rates were fair and reasonable. In that case, it would not go before the SCC.

Mr. Thorpe stated he had found a section of the State Code, although he could not find a jurisdiction that had exercised the authority, that says local governments may regulate rates and charges of private utility companies located within their jurisdictions. Further, if the private utility company has fifty or more then it is a concurrent jurisdiction between the local government and the SCC. He believed this could be very problematic if the two had opposing views on an issue. He said in the particular incidence being considered, the company has less than fifty customers so it is not under the SCC jurisdiction.

Currently, the Board of Supervisors had not enacted any ordinance pursuant to the State Code that would authorize it to regulate these utilities and at this point, he asked Mr. Egertson how his office would administer regulations should the Board adopt them.

Mr. Egertson stated he was not 100% sure on what he was being asked. Mr. Thorpe clarified that his question was which local governments, if any, regulate private companies and how they do it i.e. who polices it, what type of system is used to monitor the rates, how are complaints handled, how is customer service oversight handled, etc. He suggested if the County implemented regulations that enforcement would rest with Mr. Egertson's department.

Mr. Walker questioned how many lots and wells were contained within the Glendale subdivision. Mr. Underwood stated there were seventeen lots and three wells. Mr. Walker said he believed the issue was that three individuals were having to pay for the entire system. Mr. Underwood stated yes, because it was easier to get money out of the people using the wells than it is the owner of the lots. Therefore, it was decided the fees would be divided among the three well owners rather than the owner of the lots.

Mr. Walker stated if the County was to engage in it then maybe the seventeen lots need to share in the expense. Mr. Thorpe stated it all boiled down to the rates and charges must be reasonable and have some direct relationship to use of systems and the cost of operations. He said it sounded simple, but when it is applied it can become rather protracted and difficult to determine if a particular rate is fair and justified. Normally, one would think that the SCC that deals with this type of situation all the time would be the appropriate place for the decisions to be made, but they do not want to deal with the small systems. Then the question is where can the people that feel they are being unfairly treated go to get a hearing. Mr. Thorpe suggested that the courts are set up to hear this type of dispute. He said he did not know if staff is prepared to evaluate a rate structure of a private company and make a recommendation to the Board of Supervisors on whether the rate is fair or just or should be modified.

Mr. Underwood stated the Board had passed laws that essentially mandate that a certain category of lots have a system that is run by a private company. It is set up that the private company can arbitrarily change customer rates based on who is going to pay, but do so in an amount that is just below the margin of it being worth spending time and money to take it court. He said the people were being hurt because of the Board's rule. He believed there needed to be some way to restrain or constrain the private company's monopoly power. Mr. Underwood believed this could be done by simply saying, based on the number of lots the system is designed to serve the costs must be shared on a prorated basis. That way it would not be getting into what the actual rates would be.

Mr. Thorpe asked if he was suggesting all costs be shared or just capital. He noted normally there is an availability fee where a pipe passes by a property that is not connected, but there would not be a user fee charged to someone not using the system. He noted the availability fee would have to be based on some fair rational basis of comparing capital costs. Mr. Underwood stated in this case there is user fee, but the system was inspected which cost about \$850.00 and the utility company charged that to those connected and not the other lot owner(s), because of that in addition to paying the user fee the three users of the system received close to a \$300.00 bill which they were told to pay or the water would be disconnected. The way it had been explained to the individuals was that it would be charged among the seventeen lots. When asked why it was not done this way, they were told it was because the company would not be able to get the money from the other fourteen. Mr. Underwood believed this challenge had been created by the County's regulations leaving no other recourse for the homeowner.

Mr. Walker stated his intention for discussing the issue was to determine if there might be other options that the County could consider in order to help the situation. He said he had concern with the regulation the Board had implemented years ago allowing other people to opt out of their system and this also affected how the costs would be divided between the users on those particular systems.

Mr. Walker stated he would like for the Planning Department to research, possibly through the Health Department, whether or not any other locality had intervened in similar situations. Mr. Egertson stated he was willing to research this further, but he believed the answer would probably be no. He said spreading the costs across the lots made perfect sense to him; however, he had not talked with the system owner in this case, but he had talked with the developer. The owner's side of the story was that the cost of the inspection was part of the deal when he had transferred the system. Mr. Egertson stated the County may be headed down a slippery slope by entering into what is really a matter between private parties.

Mr. Nixon asked if the person buying into a subdivision that has a community water system signed documents, covenants, or agreements that say that he is going to adhere to certain requirements of the subdivision, do those documents state that the costs of the system have to be spread among the lots. If they do, it should be a matter of saying the system owner would have to adhere to the documents. If they do not say that and the people signed on their own free will then not much could be done. Mr. Egertson pointed out the documents are not county documents. Mr. Nixon discussed his concern with the County getting involved with this situation, because it might end up arbitrating disputes on water systems on a regular basis. He said if there might be some simple way to address the issue, he would not object to further consideration, but he did not want to start being the judge and jury over water systems.

Mr. Egertson said he would see what information he could find on what, if anything, other communities were doing.

Mr. Underwood stated his only disagreement with Mr. Nixon's comments was that the Board had already inserted itself into it when it set an arbitrary number on when a community system is required and this helped create the problem. Mr. Nixon stated this was the case with building codes and zoning regulations.

Mr. Bossio cautioned the Committee that once regulation of prices started being discussed, he believed people would start holding the County accountable for water quality and a number of other issues that could spin off of that. With reference to Mr. Underwood's comment relative to the government inserting itself, he said, there had to be a certain amount of regulation in order to maintain some semblance of order; however, whatever is done in this case has to be very specific in addressing the problem and the problem only because there are a lot of unintended consequences that could occur.

Mr. Walker noted one of the reasons for creating the regulation was to increase density of property so less agricultural land was consumed; it was not just to regulate water systems.

Mr. Thorpe requested clarification on what direction the Committee would like to proceed. He said he would be glad to help Mr. Egertson with trying to find out what other jurisdictions may or may not have done. He stated some questions had been asked regarding what were the terms and conditions of the private agreements between the original sellers and purchasers and how did those flow to the current owners. He asked if the Committee wanted to see those documents. Another question was the consideration had started based on complaints that had come to staff from certain users and if the Committee chose to do so it could conduct a hearing and invite the developers and lot owners in to tell their side of the story.

Mr. Walker stated he did not want to do that at this point. Mr. Nixon agreed he did not want to.

Mr. Walker noted Mr. Thorpe had just brought up an option that he did not know the County had any jurisdiction over. Mr. Nixon stated really the County had no jurisdiction; therefore, what good would it do to listen to complaints without having the ability to take action.

Mr. Thorpe agreed, but noted the new information he had brought to the Committee concerned the

State Code granting the option to the locality that it can extend oversight over rates and charges of a private utility system. He said he was not advocating that this be done.

Mr. Walker agreed and noted the Committee was not advocating this either; all it was doing at this point was to further pursue the information and requested that a spread sheet be developed that shows the various different developments and how many lots are involved, etc. because if consideration was given to passing an ordinance it would be good to understand the impact.

Mr. Nixon noted his comments relative to the property owners' documents was intended to be a suggestion to see if the documents could be reviewed in order to let the property owners know if they have another recourse.

Mr. Thorpe noted he was hesitant in doing this, because he was not their attorney. Mr. Nixon clarified that he did not mean for the attorney to advise them, but rather just help them determine if there might be another recourse.

Mr. Walker suggested the representative of the district involved could review the documents and try to assist the citizens. Mr. Underwood remarked that he, as that representative, was familiar with the documents and they were sparse.

Discussion ensued relative to the sharing of costs and how the private company was handling them.

Mr. Underwood suggested this issue be considered during the comprehensive plan review rather than continuing to discuss it in committee.

Mr. Walker stated he would like to see what Staff's research results were and asked if Mr. Egertson understood what the Committee would like to see. Mr. Egertson responded yes.

New Business

→ a. Consideration of a resolution requesting VDOT to restrict through traffic on Route 600 (York Road)

Mr. Egertson noted a constituent had called Mr. Bossio relative to trucks getting stuck on Route 600. He speculated that about the only reason a trucker would take Route 600 would be if his/her GPS guided them that way. He noted the trucks could navigate much easier if they stayed out of the residential area and on Route 3 and turned directly onto Route 663. Mr. Egertson stated he investigated the thought of having the road posted for 'No Thru Traffic' and the VDOT requirements are fairly extensive. The Board would have to pass a resolution with certain contents. He noted he had drafted a resolution which would have to be advertised for public hearing before it could be adopted.

Mr. Walker asked if Mr. Egertson had spoken with the Sheriff regarding the proposal. Mr. Egertson said he had not, but in the past when discussing this type of proposal there had not been any issues.

Mr. Nixon asked if this would prohibit deliveries. Mr. Egertson responded no. He and the Committee further discussed the road situation briefly.

✓ **Mr. Nixon moved, Mr. Underwood seconded, to recommend the Board authorize a public hearing to consider adopting a resolution requesting VDOT to restrict through traffic on Route 600 (York Road).**

Mr. Underwood was uncertain that the Committee could really know the reasons why trucks were traveling the road and becoming stuck. He said if it really was because they were being misdirected, then warning signs indicating trucks may become stuck could be erected. He said based on VDOT's regulations,

it was a pretty involved process to restrict the through traffic and he looked forward to hearing from Mr. Chase since it was in his district and he knew the road pretty well.

The motion carried with all Ayes.

Mr. Egertson requested clarification on whether or not the Committee's approval was to wait until the Board authorized approval of the advertisement or advertise for consideration in September. The Committee agreed it would be taken to the Board for approval of advertising.

→ **b. Consideration of Partnership for Economic Development and Job Training (Cedar Mountain Stone & Chemung Contracting)**

Mr. Sachs distributed a copy of the current ordinance noting it had been inadvertently left out of the packet. He discussed the eligibility requirements of the ordinance: the initial investment has to be at least \$500,000 and there was a list of eligible businesses. He noted when the list was originally developed it was understood that there may be occasions where some were missed or might appear and needed to be included. Two types of businesses that were excluded, were excavation, mining and quarries, and petroleum related businesses. He referenced Section 12-182 and how it basically allowed the Board to add or delete classes of businesses and Section 12-183 allowed the Economic Development Director, with the concurrence of the County Administrator, to recommend to the Board that a particular business be made eligible.

Mr. Sachs stated that Cedar Mountain Stone and Cedar Mountain Contracting submitted application for participation in the program, as well as Chemung Contracting.

Mr. Underwood questioned and Mr. Sachs explained that the program was set up so that the companies have to make the investment before submitting an application. Discussion ensued regarding the program.

Mr. Thorpe noted there was a menu/list of the type of businesses that would qualify so if an owner of a business decided his type of business was on the list, he would make the investment then the business could be incentivized based upon the contents of the ordinance. He noted in this instance it was being requested that the program cover a business that is not on the list; therefore, this would be a retroactive type of action.

Mr. Walker clarified that it was not to add the business types on the list, and the individual business had to actually show that they have done the work before consideration.

Mr. Thorpe stated usually for incentive programs there is some type of criteria that can be used to evaluate an application to see if it meets the test and he was concerned that considering one asphalt company and not others then there is no objective standard and it could be argued that it is arbitrary and capricious.

Mr. Nixon suggested that Mr. Sachs be allowed to finish presenting why he thinks the company is eligible for consideration. Mr. Sachs stated the Company has been in business for many years in Culpeper, it employs 100 people, it had been a good steward of resources, very few complaints and when there are they try to address them quickly and the owners contribute heavily to special community events and activities. He stressed the Company was very much vested in the community and this particular business has demonstrated that it has had a very positive impact on the community and the economy.

Mr. Nixon asked if the expansion had created any new jobs. Mr. Sachs briefly described the expansion performed by Chemung and noted two new jobs had been created. During further discussion, Mr.

Nixon making a point that if this was done for one asphalt company then others would have to be included. Mr. Sachs stressed that it had to be determined whether or not the business had a positive impact on the community and economy and if they should be incentivized for their investment in the economy. He noted others such as Continental Teves, Merrilat, and Euro Composites had been incentivized for their investments.

Mr. Nixon believed the difference was that the others created jobs and directly affected the economy. He said he wanted to be able to say why this exception was approved if it is. Mr. Sachs noted that Cedar Mountain Stone's expansion increased employment by two. However, this was not a criteria to participate in the program.

Mr. Thorpe discussed Section 12-182 (c) which had as its last sentence: "The Board of Supervisors in their sole discretion may add or delete business types as eligible businesses." He thought if the businesses in question were approved, then the entire type had been approved.

Mr. Sachs read from Section 12-183 (c) which he believed offered another option: "If the application for benefits under this article would otherwise be determined as ineligible, the Department with the approval of the County Administrator may request the Board of Supervisors to consider approving the application. Such request will only be made when the Department as approved by the County Administrator determines that the benefits of approving the application would have significant positive impact on the local economy." Mr. Sachs stated this was what his recommendation to approve this particular application was based on.

Mr. Thorpe stated in his opinion the application would open the door to the type, but he would leave it to the discretion of the Committee. He stated he had also discussed briefly with Mr. Sachs that to the extent that the County wants to do more to augment helping businesses that it may be a function of the EDA to consider in the future. He stated that EDA's have more discretion in these types of situations than local jurisdictions do.

Mr. Walker asked how quickly a response had to be given to the application. Mr. Sachs noted the application cut-off date was September 15. He said realizing that it might be a lengthy process; he had brought the application as early as he could.

Mr. Walker suggested that Mr. Sachs, Mr. Bossio, and Mr. Thorpe review the whole ordinance and see how it fits. He believed Mr. Nixon had made some good points from the Board's standpoint regarding the need to know why this is a special case. He noted there must have been reasons why the type of businesses were not included so it was important to know what these companies were doing different to rate consideration. He suggested more needed to be considered than just their community involvements such as processes and facilities.

Mr. Underwood stated he agreed with Mr. Walker and Mr. Nixon. He noted he dealt with Cedar Mountain Stone quite often and was all for anything that could be done to encourage investment in this community. He stated he preferred that it be done in such a way that it could be applied consistently. He said he would even consider adding the types or somehow attain a standard/above board process. He noted he would like to have a consistent law that could be followed the same way every time.

Mr. Nixon suggested that maybe not all of the (\$4 million) investment would prove eligible for consideration. He noted there were different ways to view it.

Mr. Bossio stated Mr. Thorpe's point on there being inference on incorporating the 'type' was certainly evident and he believed 1) staff needed to identify all the businesses within that type and what financial impact there would be by incorporating those businesses into the ordinance; 2) if the County is going to be exclusive about it, then identify what the key elements were that make the three applicants specialized

cases. The reasons need to be defensible as 'absolute' reasons for not including all the types. He noted the numbers would be needed and this would require some work.

Mr. Walker noted Mr. Thorpe, as the 'new' County Attorney, should look over the ordinance to make sure he is comfortable with it as it currently existed.

✓
Mr. Walker asked if staff could report back to the Committee at its next meeting. Mr. Bossio agreed Staff could certainly provide a progress report next month.

➔ **c. Review/consideration of the 2009 Voluntary Contribution request form**

Mr. Walker noted that Treasure DeJarnette was present, but he believed the item was self-explanatory since his recommendation was to continue with the same form that was used last year. Mr. DeJarnette agreed. Mr. Walker noted his appreciation of having the spreadsheet on the return received.

Mr. Nixon asked if the form, as presented, was being recommended. Mr. DeJarnette stated yes; however, the Committee could offer changes or allow the Chairman of the Board to make the changes since his name is on the form. Mr. DeJarnette noted the form had worked in the past. He noted the forms should be prepared in September to be sent out with the October billings.

✓ **Mr. Nixon moved, Mr. Underwood seconded, to approve the 2009 Voluntary Contribution request form with the same five categories as VC2008 and with minor position title changes as needed.**

A brief discussion ensued relative to the collections. Mr. DeJarnette noted that the program had been in place about six years and had brought in approximately \$75,000 in voluntary contributions. He believed the citizens appreciated being allowed to apply money to the cause that they felt was appropriate. He noted the Library and Animal Services were the two strongest donation recipients.

The motion carried with all Ayes.

Anthony Clatterbuck, President/Fire & Rescue Association, asked if the Association could be added to the form.

Mr. DeJarnette noted the Association had never been on the form. He noted the form was already pretty busy. He noted his department was working on revamping the on-line services and they were talking with a third party vendor to handle electronic payment. He noted the possibility of having a contribution link for the various entities. His preference was to continue down this avenue versus adding more on the tax bill. Mr. Thorpe supported separating the tax bill from the requests for funding of 501C3 organizations.

Mr. Walker stated if this Mr. Clatterbuck's request was to be further discussed, it should be brought to the Public Safety Committee. He thanked Mr. DeJarnette for his willingness to assist with electronic payments and he looked forward to hearing more about it in the future.

➔ **d. Discussion/consideration of tax exemptions**

Mr. Walker noted there were three applications contained in the booklet and he recognized Gary Jones and Anthony Clatterbuck who were present in the audience. Mr. Walker noted that Mr. Jones had gone through a long and drawn out process to get Rapidan Fire Department's equipment exempted. He said they were here to listen to the discussion and to support having an easier tax exemption process for the volunteer fire and rescue companies.

Mr. Thorpe noted the booklet before the committee had been prepared by Sandy Lemley. He provided background information and reported that his conversations with Commissioner of Revenue Yowell had been very beneficial. He noted most local governments do not require fire and rescue organizations to apply each year to have its equipment exempted. It is administratively handled. Mr. Thorpe stated that the Board of Supervisors should only be reviewing and approving those applications that are not otherwise addressed in the Constitution and/or Code of Virginia and routinely dealt with by the Commissioner.

He said this was why he had removed the applications of the Rapidan and Salem Fire Departments from the packet. He indicated he would be happy to set up a meeting with the Commissioner, himself, and others to confirm what he was reporting, so the volunteer fire departments were assured that when they get in equipment to be used for their volunteer service it is exempt.

Mr. Walker explained to Mr. Jones and Mr. Clatterbuck that what they had hoped to achieve had already been taken care of; however, if they wished to comment they could.

Mr. Clatterbuck asked if he understood correctly that religious organizations were exempt by Statute, but fire and rescue were not. Mr. Bossio noted they were exempt by classification. Mr. Thorpe stated fire and rescue was included as organizations that provide community support. He discussed the differences further. Mr. Thorpe noted that the Commissioner had agreed that she was comfortable with tax exemption for volunteer fire and rescue companies and if the companies wanted confirmation of this he would be glad to set up a meeting for this purpose.

Mr. Clatterbuck stated they would appreciate having a meeting and iterated that the companies do not have personnel to deal with an involved tax exemption process. He and Mr. Jones thanked the Mr. Thorpe and the Committee for their help.

Mr. DeJarnette noted the Board sets the tax rates, the Commissioner handles the assessments and the Treasurer sends out the tax bills. He noted that typically in the past when someone got a tax bill that they disagreed with then the Commissioner handled it. He believed with the effort of Mr. Bossio, Mr. Thorpe and the Commissioner the tax exemption requests would be dealt with in a more timely fashion than in the past. Mr. DeJarnette noted one problem was in the area of the religious organizations and fire and rescue companies assuming something is exempt and it is not yet being used for purposes that would make it tax exempt. He discussed this further.

The Committee and Staff discussed at some length the details of the applications for tax exemptions and how to determine whether the use of the property qualified it for tax exemption.

✓ **Mr. Nixon moved, Mr. Underwood seconded, to approve all three applications for tax exemptions: Brandy Station Foundation, Virginia Regional Transit, and National Capitol Squadron of the Commonwealth Air Force for submission to the Board**

Questions were raised on whether or not all the properties listed by the three entities were used for public purposes. Mr. Thorpe noted it was difficult to tell and if the Committee was not satisfied with the information perhaps the applications should not be forwarded. If they were approved, it would be for all the property listed.

Following further brief discussion, the motion carried with all Ayes.

→ **e. Consideration of the tax class for motor coaches**

Mr. Bossio noted information was provided to several Board members concerning a new law that

went into effect July 1, 2009 that enabled Motor Coaches to have its own specific category for personal property tax purposes. He noted since the Board was not going to meet until September, he had time to contact the folks that wrote the legislation and their recommendation was that if the Board wanted to consider establishing a different category then it should be advertised for public hearing.

Mr. Bossio asked Treasurer DeJarnette to explain the tax deadlines and process for sending an amended bill.

Mr. DeJarnette stated the question he had been asked was if the tax rate changed for a specific class after the books were closed how would it be handled for the tax bills. Mr. DeJarnette noted he would have to send tax bills based on the Commissioner's book as delivered to him by September 1. If there were changes to that then the practical application would be an abatement of the tax bill by the Commissioner's office and then a supplemental billing by the Treasurer's office. He noted it was not a very expensive process since it was part of the billing program.

Discussion ensued relative to the process with Mr. Thorpe pointing out if the Commissioner obtained an extension for closing the books the only one tax bill would have to be sent. Mr. DeJarnette agreed, but noted his preference was to stay on the normal schedule and deadlines. He discussed previous experience with extending deadlines and reiterated this would not be his preference.

Mr. Nixon asked if the rate should be set at same time the proposed ordinance was approved. It was agreed that it should be done simultaneously. Discussion ensued regarding the possibility that revenues could increase by lowering the rate. If there were cases where motor coaches were being parked in adjoining counties due to that locality's tax rate being lower than Culpeper's, and they moved back into Culpeper the additional revenue may be achieved.

Mr. Thorpe noted the Ordinance would be retroactive back to January 1, 2009, but anything before that date would still fall under the previous rate.

✓ **Mr. Underwood moved, Mr. Nixon seconded, to recommend the Board hold a public hearing on September 1, 2009 at 7:00 pm and consider establishing a tax class and tax rate for Motor Vehicles, 30 or more persons: \$1.00 per \$100.00 assessed valuation with an effective date of January 1, 2009.**

The Committee agreed that the Board members should be polled to make sure there were no objections to advertising the public hearing for September. Mr. Bossio agreed this would be done.

The motion carried with all Ayes.

f. Discussion regarding establishing a memorial to Giles H. Miller, Jr.

Mr. Walker summarized his thoughts on checking with the Committee on establishing a memorial to Mr. Miller, who had been a long time servant of community. He questioned if the Committee agreed that this should be pursued and that he had some ideas on what could be named. He referenced Mr. Miller's involvement with bringing the Federal Reserve Bank to Culpeper and he was President of Culpeper National Bank which later became Wachovia. Mr. Walker stated he had set in on meetings in the Board Room when Mr. Miller had acted as the facilitator. All of these were possibilities. Mr. Nixon asked if it would be a naming opportunity which could be a park, facility, etc. Mr. Walker agreed. Mr. Underwood like the idea of the Wachovia Building being named after Mr. Miller. This Committee had no objections to this being further considered.

Adjournment

The meeting adjourned at 10:46 a.m.

Pending Items:

- Proposed Amendment to Chapter 6 Building Regulations
- Discussion regarding the makeup of the Planning Commission
- Discussion of fireworks display approval procedure
- Discussion regarding Closed Session policy/recommendations